

SEPTEMBER 16, 1998

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IN THIS ISSUE

Aging and Adult Services Administration
Agriculture, Department of
Apple Advertising Commission
Beef Commission
Clemency and Pardons Board
Committee on Advanced Tuition Payment
Community and Technical Colleges, State
Board for
Eastern Washington University
Ecology, Department of
Economic Services Administration
Employment Security Department
Executive Ethics Board
Financial Institutions, Department of
Financial Management, Office of
Fish and Wildlife, Department of
Forest Practices Board
Gambling Commission
Governor, Office of the
Grays Harbor College
Health, Department of
Human Rights Commission
Industrial Insurance Appeals, Board of
Insurance Commissioner

Juvenile Rehabilitation Administration
Labor and Industries, Department of
Licensing, Department of
Liquor Control Board
Local Government Investment Pool
Medical Assistance Administration
Mortgage Broker Commission
Noxious Weed Control Board
Nursing Care Quality Assurance Commission
Olympic Air Pollution Control Authority
Public Instruction, Superintendent of
Public Works Board
Puget Sound Air Pollution Control Agency
Revenue, Department of
Seattle Community Colleges
Secretary of State
Securities Division
Social and Health Services, Department of
Spokane Air Pollution Control Authority
Spokane, Community Colleges of
Transportation, Department of
Treasurer, Office of the
University of Washington
Utilities and Transportation Commission
Washington State Patrol

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than September 2, 1998

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.

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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 September 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
98 - 21	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 24, 98	Dec 19, 98
98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
98 - 24	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 16, 98	Jan 5, 99	Jan 30, 99
99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
99 - 04	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 9, 99	Apr 3, 99
99 - 05	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 23, 99	Apr 17, 99
99 - 06	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 17, 99	Apr 6, 99	May 1, 99
99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
99 - 10	Apr 7, 99	Apr 21, 99	May 5, 99	May 19, 99	Jun 8, 99	Jul 3, 99
99 - 11	Apr 21, 99	May 5, 99	May 19, 99	Jun 2, 99	Jun 22, 99	Jul 17, 99
99 - 12	May 5, 99	May 19, 99	Jun 2, 99	Jun 16, 99	Jul 6, 99	Jul 31, 99
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 21, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 4, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 18, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 2, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 16, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Oct 30, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 20, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 40.

... 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 date.

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

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

WSR 98-18-002**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed August 19, 1998, 3:38 p.m.]

Subject of Possible Rule Making: The Washington State Auto Dealers Association (WSADA), our stakeholder, has requested this promulgation, which redefines the date for vehicle title transfer to retail purchasers. We are proposing amendments to WAC 308-66-190 and 308-56A-420.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.160 and 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments define what the department considers to be the date of sale for purposes of title transfer. The date of sale for purposes of title transfer is the date that triggers the start of the forty-five-day title transfer period.

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

Process for Developing New Rule: Elicit input from industry/stakeholders and those program employees who enforce these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Gail Saul, Dealer and Manufacturer Services, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 902-3709, fax (360) 586-6703.

August 17, 1998
Evelyn P. Yenson
Director

WSR 98-18-005**PREPROPOSAL STATEMENT OF INQUIRY
HUMAN RIGHTS COMMISSION**

[Filed August 20, 1998, 12:54 p.m.]

Subject of Possible Rule Making: Chapter 162-16 WAC, Employment; chapter 162-30 WAC, Sex discrimination, chapter 162-22 WAC, Employment—Persons with disabilities, chapter 162-26 WAC, Public accommodations, disability discrimination, and chapter 162-38 WAC, Real estate transactions, disability discrimination.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To adopt improvements to current Human Rights Commission rules under Executive Order 97-02 relating to clarity, effectiveness, cost, consistency with statutory intent, coordination, need, and fairness.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Equal Employment Opportunity Commission (EEOC) and the United States Department of Housing and Urban Development (HUD) enforce federal civil rights law and fair housing law. Complaints in employment and hous-

ing filed with the Human Rights Commission on certain bases are also dually filed with EEOC and HUD. The Washington State Departments of Health, Personnel, Corrections, Licensing and the Office of the Insurance Commissioner have been invited to participate in the advisory workgroups helping to develop possible improvements to the rules under EO 97-02.

Process for Developing New Rule: Facilitated advisory workgroups.

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

August 20, 1998
Susan J. Jordan
Executive Director

WSR 98-18-044**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed August 28, 1998, 2:48 p.m.]

Subject of Possible Rule Making: Hops bales and tare.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.94.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would specify tare weights for the materials used in baling hops. This rule would also provide a standard for tare weights used by the Washington hops industry.

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

Process for Developing New Rule: The agency will consult with the Washington Hop Commission.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerry Buendel, Program Manager, Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1856, fax (360) 902-2086, e-mail jbuendel@agr.wa.gov.

August 28, 1998
Julie C. Sandberg
Assistant Director

WSR 98-18-057**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed August 31, 1998, 10:30 a.m.]

Subject of Possible Rule Making: WAC 388-550-5550
Public notice for hospital Medicaid rate changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Federal Balanced Budget Act of 1997, Public Law 105-33, codified at 42 U.S.C. 1396a (a)(13)(A). RCW 70.01.010, 74.04.050, 74.04.057, 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with federal mandates to establish public notice process, and so avoid the risk of losing federal financial participation (FFP).

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 Ann Myers, Program Assistance and Support Services, Medical Assistance Administration, Olympia, Washington 98504-5530, phone (360) 586-2337, fax (360) 753-7315, TTY 1-800-848-5429, e-mail myersea@dshs.wa.gov.

August 31, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-18-070

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 31, 1998, 4:31 p.m.]

Subject of Possible Rule Making: To determine whether any alternative methods of training for orthotists or prosthetists are equivalent to formal education when considering an applicant's eligibility for licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.200.050(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The secretary has the authority to assess informal methods of training. Would allow consideration of applicants who may not otherwise qualify.

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

Process for Developing New Rule: Open public meetings. Review and comment through mail, e-mail or fax. Notices of meeting will be sent to all individuals on the interested parties mailing list.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Haenke, P.O. Box 47870, Olympia, WA 98504, phone (360) 753-4614, fax (360) 586-0745.

August 20, 1998

Kristine Van Gorkom
Deputy Secretary

WSR 98-18-071

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 31, 1998, 4:33 p.m.]

Subject of Possible Rule Making: Community based recruitment and retention (CBRR) projects, rural health system development (RHSD) projects, WAC 246-560-001 - 246-560-100.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.185.040 "The department shall adopt rules ..." (to carry out CBRR projects) and RCW 70.185.030 "... the secretary shall coordinate ... with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We expect funding to be available in the next biennium to carry out CBRR projects. Rules will allow public clarity on guidelines for applying for funds. Adopting RHSD rules to CBRR projects will allow us to respond to existing thoughtful feedback on how RHSD application process could be more timely and more flexible.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Implement an orderly public process for applying for funds.

Process for Developing New Rule: Draft rules that respond to current feedback on the application process will be circulated to our mailing list of current and prior applicants, and to our rural health partners for comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alice James or Lorraine Edwards, Office of Community and Rural Health, Department of Health, P.O. Box 47834, Olympia, WA 98504-7834, (360) 705-6770, fax (360) 664-9273, e-mail crhmail@doh.wa.gov.

August 28, 1998

Kristine Van Gorkom
Deputy Secretary

WSR 98-18-074

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 98-18—Filed September 1, 1998, 9:50 a.m.]

Subject of Possible Rule Making: Revisions to chapter 173-230 WAC, Certification of operators of wastewater treatment plants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.95B RCW, Domestic waste treatment plants—Operators.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Operators of wastewater treatment plants are responsible for treating millions of gallons of sewage every day in Washington. Public health and the state's waters are protected when these plants are properly operated and maintained. This regulation establishes minimum standards of competency for operators in charge of

wastewater treatment plants. It also outlines the conditions for maintaining a valid certificate and the level of certificate an operator must have. The certificate level is based on the classification of the wastewater treatment plant. The regulation specifies the criteria for determining the classification of a wastewater treatment plant. Revision of this regulation will implement changes in the statute made by the legislature and also implement recommendations of the advisory committee.

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

Process for Developing New Rule: An external advisory committee made recommendations to the department on changes to the certification program that would require revision of the rule. This committee will be involved in developing the rule. Certified operators and owners of wastewater treatment plants will be mailed an information sheet explaining the proposed rule revision and informing them of opportunities for involvement in the rule-making process. Public workshops and hearings will also be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Myra Barker, Wastewater Certification Coordinator, P.O. Box 47696, Olympia, WA 98504-7696, (360) 407-6449 or 1-800-633-6193, fax (360) 407-6426, mbar461@ecy.wa.gov.

August 27, 1998

Megan White
Program Manager

WSR 98-18-083

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 1, 1998, 3:30 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificate of title, including but not limited to WAC 308-93-250, 308-93-270, 308-93-280, and 308-93-410.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.02.070, 88.02.100.

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Zlateff, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia,

WA 98507-2957, phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

September 1, 1998

Patrick Zlateff
for Nancy Kelly, Administrator
Title and Registration Services

WSR 98-18-090

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed September 2, 1998, 10:06 a.m.]

Subject of Possible Rule Making: The 1998 legislature authorized the department to accept initial applications for unemployment benefits by means other than a written request (SSB 6420). Beginning February 1999, the department plans to transition the application process into call centers, where the majority of claims will be handled via telephone.

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 50.20.140 Filing applications and claims.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules mandate that initial applications be filed in person; these rules must be amended to provide instructions on how to file applications and claims when the department transitions to call centers. Other rules which refer to in-person filings of appeals and various forms, or which require the department to offer in-person interviews, will be amended consistent with the processing of applications and claims via telephone. Additional housekeeping changes, and rewording for purposes of clarity of language, will be made as necessary.

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 meetings 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. Persons interested in attending public meetings to discuss the proposed regulations should contact Juanita Myers, Program Coordinator, Unemployment Insurance Division Policy Unit, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

September 1, 1998

Carver Gayton
Commissioner

WSR 98-18-091**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 2, 1998, 10:08 a.m.]

Subject of Possible Rule Making: SSB 6420 requires the department to implement a job search monitoring program. Effective July 1, 1999, individuals receiving unemployment benefits must provide tangible evidence of a work search, and the department must establish procedures for verifying the work search.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to define the work search activities that meet the requirements of this statute, to describe the documentation that is acceptable as evidence of seeking work, and to specify the procedures the department will use to verify work search activities.

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: As required by the statute, the department will utilize the Unemployment Insurance Advisory Committee, which has equal representation of employers and workers, to develop the requirements of the job search monitoring program. In addition, the department will conduct informal public meetings 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. Persons interested in attending public meetings to discuss the proposed regulations should contact Juanita Myers, Program Coordinator, Unemployment Insurance Division Policy Unit, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

August 25, 1998
Carver Gayton
Commissioner

WSR 98-18-092**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed September 2, 1998, 10:10 p.m.]

Subject of Possible Rule Making: WAC 458-61-090 Interest and penalties—Date of sale.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.45.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being revised to incorporate provisions of chapter 149, Laws of 1996, and chapter 157, Laws of 1997. Chapter 149, Laws of 1996, changed the basis for imposing the 5/10/20% late payment penalty from thirty day increments to monthly increments. Chapter 157, Laws of 1997, changed the interest rate that applies to delinquent taxes from one percent per month to the variable rate provided by RCW 82.32.050.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Pat Moses, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-7150, fax (360) 664-0693.

Location and Date of Public Meeting: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 8, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Arturo Haro by September 30, 1998, TDD 1-800-451-7985, or (360) 586-0721.

September 1, 1998
Claire Hesselholt
Rules Manager

WSR 98-18-098**WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 2, 1998, 11:15 a.m.]

Please withdraw WAC 388-550-5550 which was filed under WSR 98-18-057 on August 31, 1998. There was a CR-101 filed previously for this WAC under WSR 97-24-025 on November 24, 1997. By this memo, we are withdrawing WSR 98-18-057.

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

WSR 98-18-099**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
STATE TREASURER**

[Filed September 2, 1998, 11:24 a.m.]

Subject of Possible Rule Making: Public Deposit Protection Commission: Modification of rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.58 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend procedures to better accomplish intent of chapter 39.58 RCW.

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 with local government input into the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Primary contact Greg Rosen, Legal Counsel, (360) 902-9000 and alternate contact Michael Colleran, Assistant Treasurer, (360) 902-9000, P.O. Box 40200, Olympia, WA 98504-0200.

September 2, 1998
Douglas D. Extine
Deputy State Treasurer

WSR 98-18-100
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
STATE TREASURER

(Local Government Investment Pool)
[Filed September 2, 1998, 11:25 a.m.]

Subject of Possible Rule Making: Local Government Investment Pool, modification of the cutoff time for notifying the LGIP of deposits and withdrawals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.250 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Extending the cutoff time gives the Local Government Investment Pool participants additional time to make investment decisions.

Process for Developing New Rule: Agency study with local government input into the rule development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Primary contact Greg Rosen, Legal Counsel, (360) 902-9000 and alternate contact Doug Extine, Deputy Treasurer, (360) 902-9012, P.O. Box 40200, Olympia, WA 98504-0200.

September 2, 1998
Douglas D. Extine
Deputy State Treasurer

WSR 98-18-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 9823—Filed September 2, 1998, 11:28 a.m.]

Subject of Possible Rule Making: Chapter 173-532 WAC, Water resources program for the Walla Walla River Basin, WRIA 32. Amend rule to allow giving higher priority

to processing water right change applications when doing so will result in a substantial enhancement of the natural environment. Rule would include specific criteria for evaluating the degree to which the natural environment would be enhanced by a proposed use, to determine whether prioritization of the proposal is appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.21A RCW (Department of Ecology); chapter 43.27A RCW (Water Resources); chapter 90.03 RCW (Water Code); chapter 90.44 RCW (Regulation of Public Ground Waters); and chapter 90.54 RCW (Water Resources Act of 1971).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology anticipates there may be water right change applications in the Walla Walla Basin with proposals that could result in enhancement of the natural environment in the basin. By amending the rule to allow for processing these water right change applications out of strict priority date order, the department would be able to: (1) Determine whether such environmental enhancement opportunities do exist and, (2) if they do, to act on these opportunities by processing the relevant applications relatively promptly.

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

Process for Developing New Rule: Ecology presently anticipates following the normal rule-making process, but if it proves to be practical the agency will conduct a pilot rule making instead.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. At least one hearing will be held in Walla Walla after the proposed rule is filed with the Code Reviser's Office. The specific details about the hearing(s) will be included with the information published in the State Register announcing the filing of the rule proposal. Information concerning the hearing(s) will also be provided to local newspapers and other news media. Until then, for more information regarding this proposal, interested parties can contact (in Spokane) George Schlender at (509) 456-5057 or (in Lacey) Mary Getchell at (360) 407-6157.

September 2, 1998
Doug McChesney
for Keith Phillips
Program Manager



WSR 98-18-061
EXPEDITED REPEAL
GRAYS HARBOR COLLEGE
 [Filed August 31, 1998, 3:39 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 132B-120-050, 132B-120-060, 132B-120-070, 132B-120-090, 132B-120-100, 132B-120-110, 132B-120-140, 132B-120-150, and 132B-120-160.

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: Dr. Arlene Torgerson, Vice-President for Student Services, Grays Harbor College, 1620 Edward P. Smith Drive, Aberdeen, WA 98520.

Reason the Expedited Repeal of the Rule is Appropriate: The college recently adopted a new student code of conduct making these rules outdated and redundant.

August 27, 1998
 Arlene Torgerson
 Vice-President for
 Student Services

WSR 98-18-063
EXPEDITED REPEAL
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES
 [Filed August 31, 1998, 3:46 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 131-16-200.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: John Boesenberg, Personnel Director, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-3661.

Reason the Expedited Repeal of the Rule is Appropriate: Rule is no longer necessary because of changed circumstances and/or other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

August 28, 1998
 Claire C. Krueger
 Executive Assistant
 Agency Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-16-200 Reduction in force guidelines and procedures supplemental to chapter 251-10 WAC.

WSR 98-18-068
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 [Filed August 31, 1998, 4:27 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-310-620 Certificate of need program reports.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Janis R. Sigman, Manager, Certificate of Need Program, Department of Health, P.O. Box 47851, Olympia, WA 98504-7851.

Reason the Expedited Repeal of the Rule is Appropriate: There is no statutory requirement for the certificate of need program to publish an annual report. The program provides updated information in other report formats, therefore, publishing an annual report would be redundant.

August 28, 1998
 Kristine Van Gorkom
 Deputy Secretary

WSR 98-18-069
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Nursing Care Quality Assurance Commission)
 [Filed August 31, 1998, 4:29 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-840-113 Impaired practical nurse program—Content—License surcharge.

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: Department of Health, Nursing Care Quality Assurance Commission, Attn: Terry J. West, Program Manager, P.O. Box 47864, Olympia, WA 98504, phone (360) 664-4207 or fax (360) 586-2165.

Reason the Expedited Repeal of the Rule is Appropriate:
The LPN and RN laws were combined in 1997. There are two rules (WAC 246-840-760 and 246-840-770) which fully address the requirements stated in WAC 246-840-113. In addition, the Nursing Care Quality Assurance Commission has a contract with Washington Health Professional Services which includes all of the requirements in this rule. A surcharge for licenses is no longer necessary.

August 3, 1998

Terry J. West

Co-Acting Executive Director

EXPEDITED REPEAL

WSR 98-18-009
PROPOSED RULES
GAMBLING COMMISSION
 [Filed August 21, 1998, 2:59 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-078, with a published date of August 5, 1998.

Title of Rule: Refund of overpayment of license fees and reduction of licensing fees, WAC 230-04-198, 230-04-202, 230-04-203, and 230-04-204.

Purpose: These rules would reduce all license fees to the levels established prior to the increase passed in November 1997, and which became effective June 30, 1998. The change would also allow the agency to refund those licensees that have paid the higher fees since June 30, 1998.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: It has been determined that the license fee increase is not necessary. Therefore, the fees will be reduced to the amounts established prior to the June 30, 1998, increase.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Sherri Winslow, Lacey, (360) 438-7654 ext. 301.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Silverdale on the Bay Hotel, 3037 Bucklin Hill Road, Silverdale, WA 98310, (360) 698-1000, on October 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by October 2, 1998, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652, by October 2, 1998.

Date of Intended Adoption: October 9, 1998.

August 20, 1998

Susan Arland

Public Information Officer

NEW SECTION

WAC 230-04-198 Reduction of license fees. (1) On November 14, 1997, the commission passed WAC 230-04-

202, WAC 230-04-203, and WAC 230-04-204, under WSR 97-23-053. These rule changes increased the licensing fees for bona fide charitable/nonprofit organizations, commercial stimulant and other business organizations, and for individuals, respectively. The increased fees set forth in these rules became effective June 30, 1998. The above license fee increases will not be implemented and shall remain at the level established prior to the increase.

(2) Any licensee or applicant that has submitted a licensing fee based on the increased license fees set forth in WAC 230-04-202, WAC 230-04-203, and WAC 230-04-204, filed under WSR 97-23-053, shall be reimbursed by the Commission for all overpayments of licensing fees.

AMENDATORY SECTION (Amending WSR 97-23-053, filed 11/17/97, effective 6/30/98)

WAC 230-04-202 Fees—Bona fide charitable/non-profit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES		
	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	\$ ((54)) <u>52</u>
Class B	Up to \$ 10,000	\$ ((54)) <u>52</u>
Class C	Up to \$ 25,000	\$ ((287)) <u>276</u>
Class D	Up to \$ 50,000	\$ ((460)) <u>443</u>
Class E	Over \$ 50,000	\$ ((803)) <u>772</u>
* Class A	Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.	
2. BINGO		
	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 15,000	\$ ((54)) <u>52</u>
Class B	Up to \$ 50,000	\$ ((467)) <u>161</u>
Class C	Up to \$ 100,000	\$ ((342)) <u>329</u>
Class D	Up to \$ 250,000	\$ ((924)) <u>886</u>
Class E	Up to \$ 500,000	\$ ((1,552)) <u>1,492</u>
Class F	Up to \$ 1,000,000	\$ ((3,117)) <u>2,996</u>
Class G	Up to \$ 1,500,000	\$ ((4,499)) <u>4,324</u>
Class H	Up to \$ 2,000,000	\$ ((6,099)) <u>5,776</u>

PROPOSED

PROPOSED

2. BINGO

GROUP	(Fee based on annual gross gambling receipts)		
Class I	Up to \$ 2,500,000	\$ ((7,508))	<u>7,216</u>
Class J	Up to \$ 3,000,000	\$ ((9,008))	<u>8,658</u>
Class K	Up to \$ 3,500,000	\$ ((10,105))	<u>9,712</u>
Class L	Up to \$ 4,000,000	\$ ((11,554))	<u>11,102</u>
Class M and above	Over \$ 4,000,000	\$ ((12,997))	<u>12,492</u>

3. CARD GAMES

Class A	General (Fee to play charged)	\$ ((575))	<u>553</u>
Class B	Limited card games - hearts, rummy, mahjonn, pitch, pinochle, and cribbage (Fee to play charged)	\$ ((467))	<u>161</u>
Class C	Tournament only - no more than ten consecutive days per tournament	\$ ((54))	<u>52</u>
Class D	General (No fee to play charged)	\$ ((54))	<u>52</u>

4. FUND-RAISING EVENT

Class A	One event - not more than 24 consecutive hours	\$ ((342))	<u>329</u>
Class B	One event - not more than 72 consecutive hours	\$ ((575))	<u>553</u>
Class C	Additional participant in joint event (not lead organization)	\$ ((467))	<u>161</u>
Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year*	\$ ((227))	<u>219</u>
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$ ((575))	<u>553</u>

* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCH BOARDS/PULL-TABS

	(Fee based on annual gross gambling receipts)		VARIANCE *
Class A	Up to \$ 50,000	\$ 5,000	\$ ((548))
			<u>527</u>
Class B	Up to \$ 100,000	\$ 5,000	\$ ((978))
			<u>940</u>

5. PUNCH BOARDS/PULL-TABS

	(Fee based on annual gross gambling receipts)		VARIANCE *
Class C	Up to \$ 200,000	\$ 10,000	\$ ((1,845))
			<u>1,774</u>
Class D	Up to \$ 300,000	\$ 10,000	\$ ((2,682))
			<u>2,578</u>
Class E	Up to \$ 400,000	\$ 10,000	\$ ((3,464))
			<u>3,330</u>
Class F	Up to \$ 500,000	\$ 10,000	\$ ((4,182))
			<u>4,020</u>
Class G	Up to \$ 600,000	\$ 10,000	\$ ((4,846))
			<u>4,658</u>
Class H	Up to \$ 700,000	\$ 10,000	\$ ((5,454))
			<u>5,242</u>
Class I	Up to \$ 800,000	\$ 10,000	\$ ((6,099))
			<u>5,776</u>
Class J	Up to \$ 1,000,000	\$ 20,000	\$ ((6,813))
			<u>6,548</u>
Class K	Up to \$ 1,250,000	\$ 25,000	\$ ((7,562))
			<u>7,268</u>
Class L	Up to \$ 1,500,000	\$ 25,000	\$ ((8,259))
			<u>7,938</u>
Class M	Up to \$ 1,750,000	\$ 25,000	\$ ((8,833))
			<u>8,490</u>
Class N	Up to \$ 2,000,000	\$ 25,000	\$ ((9,356))
			<u>8,992</u>
Class O	Over \$ 2,000,000	Non-applicable	\$ ((10,280))
			<u>9,880</u>

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES

	(Fee based on annual gross gambling receipts)		
Class A	Up to \$ 5,000	\$	((54))
			<u>52</u>
Class B	Up to \$ 10,000	\$	((467))
			<u>161</u>
Class C	Up to \$ 25,000	\$	((342))
			<u>329</u>
Class D	Up to \$ 50,000	\$	((575))
			<u>553</u>
Class E	Up to \$ 75,000	\$	((924))
			<u>886</u>
Class F	Over \$ 75,000	\$	((1,379))
			<u>1,326</u>

7. COMBINATION LICENSE

CLASS A	Allows gross gambling receipts of up to \$25,000 from bingo, \$7,500 from raffles, and \$7,500 from amusement games, not to exceed \$30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$	((104))
			<u>100</u>

7. COMBINATION LICENSE

CLASS B	Allows gross gambling receipts of up to \$60,000 from bingo, \$15,000 from raffles, and \$15,000 from amusement games, not to exceed \$75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ ((270)) <u>260</u>
CLASS C	Allows gross gambling receipts of up to \$125,000 from bingo, \$30,000 from raffles, and \$30,000 from amusement games, not to exceed \$150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ ((624)) <u>600</u>

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$ ((27)) <u>26</u>
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9. PERMITS

AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)	\$ ((27)) <u>26</u>
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$ ((54)) <u>52</u>

10. CHANGES

NAME	(See WAC 230-04-310)	\$ ((27)) <u>26</u>
LOCATION	(See WAC 230-04-320)	\$ ((27)) <u>26</u>
FRE	(Date or time) (See WAC 230-04-325)	\$ ((27)) <u>26</u>
LICENSE CLASS	(See WAC 230-04-260)	\$ ((27)) <u>26</u>
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ ((27)) <u>26</u>

11. SPECIAL FEES

INVESTIGATION REPLACEMENT	(See WAC 230-04-240) (See WAC 230-08-017)	As required \$ ((27)) <u>26</u>
IDENTIFICATION STAMPS EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA,	(See WAC 230-04-260) (See WAC 230-12-315)	As required As required

11. SPECIAL FEES

SERVICES, OR SCHEMES

12. SIX-MONTH	(See WAC 230-04-190)	\$ ((27)) <u>26</u>
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PAYMENT PLAN

AMENDATORY SECTION (Amending WSR 97-23-053, filed 11/17/97, effective 6/30/98)

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	SEE
1. CARD GAMES		
Class B	Limited card games - hearts, rummy, pitch, pinochle, mahjongg, and/or cribbage (Fee to play charged)	((\$ 167) <u>\$ 161</u>)
Class C	Tournament only, no more than ten consecutive days per tournament.	((\$ 167) <u>\$ 161</u>)
Class D	General (No fee to play charged)	((\$ 54) <u>\$ 52</u>)
Class E	General (Fee to play charged)	
E-1	One table only	((\$ 404) <u>\$ 386</u>)
E-2	Up to two tables	((\$ 689) <u>\$ 663</u>)
E-3	Up to three tables	((\$ 1,150) <u>\$ 1,106</u>)
E-4	Up to four tables	((\$ 2,303) <u>\$ 2,214</u>)
E-5	Up to five tables	((\$ 3,464) <u>\$ 3,330</u>)
2. COMMERCIAL AMUSEMENT GAMES		
	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	** ((\$ 287 / \$ 134) <u>\$ 276/\$ 126</u>)
Class B	Up to \$ 50,000	((\$ 404) <u>\$ 386</u>)
Class C	Up to \$ 100,000	((\$ 1,032) <u>\$ 992</u>)
Class D	Up to \$ 250,000	((\$ 2,303) <u>\$ 2,214</u>)
Class E	Up to \$ 500,000	((\$ 4,044) <u>\$ 3,884</u>)
Class F	Up to \$1,000,000	((\$ 6,934) <u>\$ 6,662</u>)
Class G	Over \$1,000,000	((\$ 8,674) <u>\$ 8,334</u>)

PROPOSED

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LICENSE TYPE	DEFINITION	FEE
	* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.	
	** Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.	

3. PUNCH BOARDS/

PULL_TABS	(Fee based on annual gross gambling receipts)		VARIANCE*
Class A	Up to \$ 50,000	\$5,000	(\$ 548) <u>\$ 527</u>
Class B	Up to \$ 100,000	\$5,000	(\$ 978) <u>\$ 940</u>
Class C	Up to \$ 200,000	\$10,000	(\$ 1,845) <u>\$ 1,774</u>
Class D	Up to \$ 300,000	\$10,000	(\$ 2,682) <u>\$ 2,578</u>
Class E	Up to \$ 400,000	\$10,000	(\$ 3,464) <u>\$ 3,330</u>
Class F	Up to \$ 500,000	\$10,000	(\$ 4,182) <u>\$ 4,020</u>
Class G	Up to \$ 600,000	\$10,000	(\$ 4,846) <u>\$ 4,658</u>
Class H	Up to \$ 700,000	\$10,000	(\$ 5,454) <u>\$ 5,242</u>
Class I	Up to \$ 800,000	\$10,000	(\$ 6,009) <u>\$ 5,776</u>
Class J	Up to \$ 1,000,000	\$20,000	(\$ 6,813) <u>\$ 6,548</u>
Class K	Up to \$ 1,250,000	\$25,000	(\$ 7,562) <u>\$ 7,268</u>
Class L	Up to \$ 1,500,000	\$25,000	(\$ 8,259) <u>\$ 7,938</u>
Class M	Up to \$ 1,750,000	\$25,000	(\$ 8,823) <u>\$ 8,490</u>
Class N	Up to \$ 2,000,000	\$25,000	(\$ 9,356) <u>\$ 8,992</u>
Class O	Over \$ 2,000,000	Nonapplicable	(\$ 10,280) <u>\$ 9,880</u>

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

4. DISTRIBUTOR

(Fee based on annual gross sales of gambling related supplies and equipment)

(a) Class A	Nonpunch board/pull-tab only	(\$ 575) <u>\$ 553</u>
Class B	Up to \$ 250,000	(\$ 1,150) <u>\$ 1,106</u>
Class C	Up to \$ 500,000	(\$ 1,727) <u>\$ 1,660</u>
Class D	Up to \$1,000,000	(\$ 2,303) <u>\$ 2,214</u>
Class E	Up to \$2,500,000	(\$ 2,998) <u>\$ 2,882</u>

LICENSE TYPE	DEFINITION	FEE
Class F	Over \$2,500,000	(\$ 3,693) <u>\$ 3,550</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

(b) FUND-RAISING

EVENT EQUIPMENT DISTRIBUTOR

Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	(\$ 227) <u>\$ 219</u>
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	(\$ 575) <u>\$ 553</u>

5. MANUFACTURER

(Fee based on annual gross sales of gambling related supplies and equipment)

Class A	Machines only	(\$ 575) <u>\$ 553</u>
Class B	Up to \$ 250,000	(\$ 1,150) <u>\$ 1,106</u>
Class C	Up to \$ 500,000	(\$ 1,727) <u>\$ 1,660</u>
Class D	Up to \$1,000,000	(\$ 2,303) <u>\$ 2,214</u>
Class E	Up to \$2,500,000	(\$ 2,998) <u>\$ 2,882</u>
Class F	Over \$2,500,000	(\$ 3,693) <u>\$ 3,550</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

6. PERMITS

AGRICULTURAL FAIR/SPECIAL PROPERTY BINGO

Class A	One location and event only (See WAC 230-04-191)	(\$ 27) <u>\$ 26</u>
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	(\$ 167) <u>\$ 161</u>

RECREATIONAL GAMING ACTIVITY (RGA)

(See WAC 230-02-505 and 230-25-330)	(\$ 54) <u>\$ 52</u>
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7. CHANGES

NAME	(See WAC 230-04-310)	(\$ 27) <u>\$ 26</u>
LOCATION	(See WAC 230-04-320)	(\$ 27) <u>\$ 26</u>
BUSINESS	(Same owners)	(\$ 54) <u>\$ 52</u>
CLASSIFICATION	(See WAC 230-04-340)	
LICENSE CLASS	(See WAC 230-04-260)	
	New class fee, less previous fee paid, plus	(\$ 27) <u>\$ 26</u>

LICENSE TYPE	DEFINITION	FEE
DUPLICATE LICENSE	(See WAC 230-04-290)	((27)) \$ 26
OWNERSHIP OF STOCK	(See WAC 230-04-340)	((54)) \$ 52
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340, and 230-04-350)	((54)) \$ 52
8. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-08-017)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-017)	((27)) \$ 26
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required
9. SIX-MONTH PAYMENT PLAN		
	(See WAC 230-04-190)	((27)) \$ 26

AMENDATORY SECTION (Amending WSR 97-23-053, filed 11/17/97, effective 6/30/98)

WAC 230-04-204 Fees—Individuals. Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CHARITABLE OR NON-PROFIT GAMBLING MANAGER	Original	((167)) \$161
	Renewal	((84)) \$78
	Change of Employer	((84)) \$78
2. COMMERCIAL GAMBLING MANAGER	Original	((167)) \$161
	Renewal	((84)) \$78
	Change of Employer	((84)) \$78

3. DISTRIBUTOR'S OR GAMBLING SERVICES SUPPLIER REPRESENTATIVE	Original	((227)) \$219
	Renewal	((140)) \$135
4. MANUFACTURER'S REPRESENTATIVE	Original	((227)) \$219
	Renewal	((140)) \$135
5. PUBLIC CARD ROOM EMPLOYEE CLASS A - NONKEY EMPLOYEES:		
	Original	((167)) \$161
	Renewal	((84)) \$78
CLASS B - KEY EMPLOYEES* AS DEFINED IN WAC 230-02-425:		
	Original, in-state	\$217
	Original, out-of-state	\$271
	Renewal	\$135
* SUPPORTS CARD ROOMS HAVING SPECIAL APPROVED ACTIVITIES AS SPECIFIED IN WAC 230-04-203(1)		
6. OTHER FEES		
CHANGE OF NAME	(See WAC 230-04-310)	((27)) \$26
DUPLICATE LICENSE	(See WAC 230-04-290)	((27)) \$26
REPLACEMENT OUT-OF-STATE RECORDS INQUIRY	(See WAC 230-04-240)	As required

**WSR 98-18-010
PROPOSED RULES
GAMBLING COMMISSION**
[Filed August 21, 1998, 3:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-004, with a published date of August 5, 1998.

Title of Rule: Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions, WAC 230-12-340.

Purpose: This amendment would allow distributors to grant up to thirty-day credit terms for the sale of bingo paper and related supplies.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: Distributors have traditionally sold bingo paper and related supplies on credit to

PROPOSED

nonprofit organizations. In 1997, this rule changed to prohibit the sale on credit of all gambling equipment, including bingo paper. Some nonprofit organizations do not have full-time employees available to pay for bingo paper on a COD basis. This amendment would help ease the impact of the increased regulation in this area, yet still meet the intent of the original rule.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Sherri Winslow, Lacey, (360) 438-7654 ext. 301.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Silverdale on the Bay Hotel, 3037 Bucklin Hill Road, Silverdale, WA 98310, (360) 698-1000, on October 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by October 2, 1998, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652, by October 2, 1998.

Date of Intended Adoption: October 9, 1998.

August 20, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending WSR 97-20-026, filed 9/22/97, effective 1/1/98)

WAC 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions. The use of credit in the sale of gambling equipment, devices, related supplies or paraphernalia, and services is prohibited. Except as authorized by this section, all sales of such shall be transacted on a cash basis. The following definitions, restrictions, and procedures apply to this section:

~~((What definitions apply to this section?))~~

(1) For purposes of this section, the following definitions apply:

(a) A "cash basis" means full payment is received by the seller on or before actual delivery of the product or service to the purchaser;

(b) A "trade account" is a payment system that allows distributors to place orders for inventory or services from manufacturers or distributors and to make payment for such within a specific period of time after shipment of the product or completion of the service;

(c) "Prescribed time period" is the maximum period of time a distributor has to pay for purchases of goods or services made under trade account terms prior to being restricted to cash basis terms. The time period begins when a product is shipped or service completed and ends on the date payment is actually delivered to the manufacturer or distributor, or if delivered by the U.S. mail, the postmark date of the envelope containing the payment. For purposes of this section, prescribed time period means no later than sixty days after shipment of the products or completion of the services for all sales made on or after January 1, 1998.

~~((What transactions are exempt from the requirements of this section?))~~

(2) For purposes of this WAC title, the following transactions are authorized and shall not be deemed as credit or loans of money when applicable requirements are met:

(a) Purchases of goods and services from manufacturers or distributors when paid for by checks that meet the requirements of WAC 230-12-350;

(b) Purchases of goods or services by distributors from manufacturers or other distributors when utilizing trade account terms and the requirements of subsection (3) of this section are followed;

(c) Promissory notes between manufacturers and distributors for payment of debts incurred prior to the effective date of this section when such notes are issued under the conditions set forth in this section;

(d) Purchases made under capital lease agreements when the requirements of this section are followed;

(e) All transactions between manufacturers or distributors and tribal governments or companies certified to manage class III gambling activities operated under a tribal/state compact are exempt from all provisions of this section;

~~((and))~~
(f) Charitable or nonprofit organizations licensed to conduct bingo may purchase bingo cards and bingo supplies from distributors and/or manufacturers and receive such without making immediate payment if payment is made, by check or cash, no later than thirty days after delivery of the product. If the distributor or manufacturer does not receive payment within thirty days, they must immediately restrict the licensee to sales on a cash on delivery basis until payment is received. Licensees paying for bingo supplies on terms other than a cash basis must document on the purchase invoice the date paid and the check number; and

(g) The sales of nongambling equipment, fixtures, supplies, or commodities to licensees are exempt from all provisions of this section when the requirements of WAC 230-12-330 are met.

~~((Can distributors purchase gambling-related inventory or services on other than a cash basis?))~~

(3) Manufacturers and distributors may allow distributors to establish "trade accounts" to purchase gambling-

related inventory or services without making immediate payment under the following conditions:

~~((What restrictions apply to trade accounts?))~~

(a) Trade account terms, if offered to any distributor, shall be made available to all distributors without discrimination: *Provided*, That trade accounts may be restricted to distributors that:

(i) Meet objective credit criterion established by a manufacturer or distributor. Such criterion must be in writing, available to the commission for review, and provided to any distributor upon request. A manufacturer or distributor may include a distributor's payment history as a part of the trade account approval criterion;

(ii) Meet minimum purchase requirements established by the manufacturer: *Provided*, That the minimum purchase requirement shall not be greater than five hundred dollars per transaction;

(b) Trade account terms shall not allow a manufacturer or distributor to gain any ownership or financial interest in a licensee. This section is not intended to prohibit or restrict a manufacturer or distributor from gaining a security interest in inventory sold for credit, as authorized by the Uniform Commercial Code: *Provided*, That this section shall not allow a manufacturer to obtain an interest in inventory sold by any other manufacturer under trade account terms;

(c) A distributor shall make full payment for all goods or services purchased under trade account terms within the prescribed time period. Failure to pay within the prescribed time period may be deemed solicitation of credit by the distributor.

~~((What must a manufacturer or distributor do when a distributor fails to make payments for trade account purchases within the prescribed time period?))~~

(4) When a distributor fails to pay for goods or services purchased under trade account terms within the prescribed time period, the creditor manufacturer or distributor shall comply with the procedures set forth below. Failure to comply with these procedures may result in the manufacturer or distributor being deemed to have extended credit to the distributor. The following procedures must be followed when a distributor fails to make required payments:

(a) Notify the delinquent distributor and the commission of failure to pay by telephone no later than the end of the next business day;

(b) Restrict sales of all goods and services to the delinquent distributor no later than the end of the third business day after the default: *Provided*, That sales may be made to a delinquent distributor on a cash basis only;

(c) Notify the commission in writing no later than the end of the fifth business day after default. Written notification shall include at least the following:

- (i) The distributor's name;
- (ii) The invoice or shipping order numbers involved in the transaction;
- (iii) The dollar amount of the delinquent account;
- (iv) The date the item was shipped or service was provided;

(v) A statement of whether the distributor has filed a complaint regarding billings and whether the amount owed is in dispute;

(vi) Any agreements between the parties to clear the debt, including terms, payment schedule, and any third party guarantors of the debt;

(vii) The interest rate or service charge, if such is charged;

(viii) Whether a security interest in the inventory or any other assets of the licensed distributor or individual owners of the distributor has been obtained or is in effect; and

(ix) Any other information requested by the commission.

~~((What action will the commission take after being notified in writing that a distributor has failed to make timely payment on a trade account?))~~

(5) If the director does not receive notice that the debtor distributor has corrected the conditions which caused the default prior to the end of the seventh business day after initial notice was received, all licensed manufacturers and distributors will be notified that such distributor has been restricted to cash basis terms. Initial notification shall be by telephone or facsimile on the next business day, followed by written notification within ten days. The manufacturer or distributor shall immediately notify the commission by telephone or facsimile upon receipt of payment. If notified prior to the end of the seventh business day after initially notifying the commission, the director will stop all proceedings and allow the reporting manufacturer or distributor to continue trade account terms without taking further action.

~~((What action shall manufacturers and distributors take after notification by the director that a distributor has been restricted?))~~

(6) Upon receipt of notification from the commission that a distributor has been restricted, manufacturers and distributors shall immediately cease sales, shipments of products, and providing of services to the delinquent distributor on other than a cash basis.

~~((How long will the restrictions last?))~~

(7) Any distributor that has been restricted by the director under this section shall remain restricted until all delinquent accounts with any reporting manufacturer or distributor are current and the director has been notified of such. The director shall utilize the following guidelines and procedures for removing trade account sales restrictions:

(a) First delinquent payment within a calendar year - The director shall notify all manufacturers by telephone or facsimile no later than the next business day after receiving notification that a delinquent distributor is current and that trade account sales may continue. Written notification shall be made within ten days; or

(b) Second and subsequent violations within a calendar year - The director may restrict a distributor to a cash basis for a period not to exceed sixty days beginning on the date of notification that a delinquent distributor is current. In this event, the director shall notify the delinquent distributor and

all manufacturers and distributors in writing of the date when trade account terms may be continued.

~~((What are the procedures and restrictions for gambling-related purchases occurring prior to January 1, 1998?))~~

(8) Gambling-related products or services purchased by distributors prior to January 1, 1998, shall be paid in full no later than March 31, 1998. Any distributor failing to comply with this requirement shall be restricted to making purchases on a cash basis until all such accounts are paid in full. The director shall utilize the procedures set forth in subsections (5), (6), and (7) of this section to impose or remove restrictions imposed under this subsection: *Provided*, That creditor manufacturers and distributors may convert amounts owed by distributors at January 1, 1998, into a promissory note utilizing the procedures and restrictions set forth in this section.

~~((What are the procedures and restrictions for conversion of trade debt outstanding at the effective date of this section to a promissory note?))~~

(9) Manufacturers and distributors who elect to convert amounts owed from distributors at the effective date of this section to a promissory note shall utilize the following procedures and restrictions:

(a) Written notification of conversion to a promissory note, including a copy of such note, must be received by the commission no later than March 31, 1998;

(b) The promissory note shall not grant the manufacturer the ability to influence the management of the distributor's business: *Provided*, That in the case of legal bankruptcy, the terms and conditions of a bankruptcy order shall govern;

(c) The promissory note shall amortize the balance owed over a certain period that does not exceed sixty months;

(d) Manufacturers or distributors electing to grant promissory notes authorized by this section shall make such provisions available to all distributors with outstanding balances at the effective date of this section under the same conditions and terms;

(e) Terms of the promissory note shall require the following:

(i) Minimum monthly payment of the principal;

(ii) Interest rate, if any is imposed;

(iii) Full description of all collateral; and

(iv) Adequate details of the procedures to be followed for late payments and/or default;

(f) A creditor manufacturer or distributor shall immediately notify the commission if a distributor fails to abide by the terms of the note and the process being pursued to correct the situation. The director may, depending upon circumstances, impose restrictions set forth in subsections (5), (6), and (7) of this section on purchases under trade account terms for the delinquent distributor.

~~((What are the restrictions and procedures governing the use of capital lease agreements?))~~

(10) Licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling-related support equipment through capital lease agreements or other financing arrange-

ments to operators subject to the following conditions and requirements:

(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;

(b) The term of the contract does not exceed forty-eight months;

(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;

(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;

(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;

(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and

(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.

WSR 98-18-019

PROPOSED RULES

PUBLIC WORKS BOARD

[Filed August 24, 1998, 10:07 a.m.]

Supplemental Notice to WSR 98-07-033.

Preproposal statement of inquiry was filed as WSR 97-22-015.

Title of Rule: All permanent rules of the Public Works Board, Title 399 WAC, will be reviewed under this proposed action. Note: Chapter 399-40 WAC has been reviewed and reconfirmed - no changes are proposed.

Purpose: Consistent with Executive Order 97-02, regulatory improvement, the Public Works Board is reviewing, modifying, reconfirming, or eliminating its current rules as contained in the current WAC.

Statutory Authority for Adoption: RCW 43.155.040 (4) and (5).

Statute Being Implemented: Chapter 43.155 RCW.

Summary: By its preproposal statement of inquiry and by a public hearing on May 5, 1998, the board has sought public input. The board now proposes to hold another public hearing based on information provided at the May 5, 1998, public hearing, additional information provided by the board legal counsel and additional information from the board's staff.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pete A. Butkus, P.O. Box 48319, Olympia, WA 98504-8319, (360) 586-7186.

Name of Proponent: Public Works Board, governmental.

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

Hearing Location: Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac, WA, on November 3, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Beth Rockwell by October 23, 1998, (360) 753-3262.

Submit Written Comments to: Pete A. Butkus, e-mail peteb@cted.wa.gov, or fax (360) 664-3029, by October 23, 1998.

Date of Intended Adoption: November 3, 1998.

August 24, 1998

Pete A. Butkus

Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-11-093, filed 5/19/95, effective 6/19/95)

WAC 399-10-010 Organization and operation of the public works board. (1) The public works board (~~(hereinafter referred to as the board,))~~) is a thirteen-member board appointed by the governor (~~(and created pursuant to))~~ under RCW 43.155.030.

(2) The governor (~~(shall))~~) appoints one of the general public members (~~(of the board))~~) as chair. The board may elect (~~(such))~~) other officers for (~~(such))~~) terms (~~(as it may from time to time deem))~~) deemed necessary (~~(in accordance with the board's bylaws))~~).

(3) (~~(The board's staff support and office space is provided by the Department of Community, Trade, and Economic Development, P.O. Box 48319, Olympia, Washington 98504-8319; phone (360) 753-2200.))~~) The department of community, trade, and economic development provides staff support and office space to the board at P.O. Box 48319, Olympia, Washington 98504-8319; phone (360) 753-2200.

The board's Internet site is: WWW.CRAB.WA.GOV/PWTF

AMENDATORY SECTION (Amending WSR 93-22-014, filed 10/26/93, effective 11/26/93)

WAC 399-10-020 Board meetings. (1) The board holds regular meetings on the first Tuesday of each month. In the month of August meetings are held on the first and third Tuesdays.

(2) Notice of the times and places of the regular meetings will be published annually in a January edition of the Washington State Register. A copy of the schedule of regular meetings may also be obtained upon request from the board.

~~((2))~~ (3) Special meetings of the board may be called at any time by the chair of the board or by a majority of the board members. Notice of such meetings will be as provided by law.

AMENDATORY SECTION (Amending WSR 93-22-014, filed 10/26/93, effective 11/26/93)

WAC 399-10-030 Communications with the board. Any and all written communications with the board, including but not limited to requests for information or copies of agency records, or submittals of any nature, (~~(shall))~~ must be

addressed to the public works board, in care of the chair, (~~(at the address which appears))~~ as stated in WAC 399-10-010(3). (~~(Telephonic communications may be initiated by calling the phone number also listed in WAC 399-10-010(3).))~~ The board's telephone number and Internet address are listed in the same section.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-010 Purpose. (~~(The purpose of this chapter shall be to ensure the compliance by the public works board with the provisions of chapter 1, Laws of 1973, Initiative Measure No. 276, and in particular sections 25 through 32 of that act, and RCW 42.17.250 through 42.17.320 concerning disclosure of public records.))~~) This chapter is intended to ensure that the board complies with chapter 42.17 RCW, the Public Disclosure Act, especially RCW 42.17.250 through 42.17.348, which address disclosure of public records.

AMENDATORY SECTION (Amending WSR 95-11-093, filed 5/19/95, effective 6/19/95)

WAC 399-20-020 Definitions. The following definitions shall apply to this chapter:

(1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the board regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all paper, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Board" means the public works board, created (~~(pursuant to chapter 446, Laws of 1985))~~ in chapter 43.155 RCW, and (~~(shall))~~) also refers to the board's officers and staff, where appropriate.

(4) "Department" means the department of community, trade, and economic development, and shall (~~(also))~~) refer to the department's staff, where appropriate.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-030 Public records available. All public records of the board are deemed to be available for public inspection and copying, except as otherwise provided by RCW 42.17.260 and 42.17.310 as now or (~~(may))~~) hereafter (~~(be))~~) amended, and by WAC 399-20-090.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-040 Public records officer. (~~(The department's public records officer shall be the public records~~

PROPOSED

~~officer for the board.))~~ The board shall designate a staff member to be the public records officer. The public records officer shall be responsible for implementation of the board's rules and regulations regarding inspection and copying of public records, and for ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-060 Office hours. Public records ~~((shall be))~~ are available for inspection and copying during the department's normal office hours ~~((For purposes of this chapter, normal office hours shall be from 9:00)), which are 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, or closure due to natural disaster, inclement weather, or local emergency.~~

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-070 Requests for public records. ~~((In accordance with the requirements of chapter 42.17 RCW that))~~ The Public Disclosure Act, chapter 42.17 RCW, requires agencies to prevent unreasonable invasions of privacy, ((and)) to protect public records from damage or disorganization, and to prevent excessive interference with essential functions of the board((, public records may be inspected or copied, or copies of such records may be obtained by members of the public, upon compliance)). Therefore, members of the public may inspect, copy, or obtain copies of public records if they comply with the following procedures:

(1) A request ~~((shall))~~ must be made in writing ~~((upon a))~~ on the form ((prescribed)) adopted by the board which shall be in WAC 399-20-120. The form is available at the board's offices, or by writing or calling the board.

(2) The form ~~((shall be))~~ must be completed in full and presented or mailed to the public records officer((, or to any member of the board's staff, if the public records officer is not available,)) at the board's offices during normal office hours. ~~((The request shall include the following information:~~

(a) The name, address, and organization represented, if any, of the person requesting the record;

(b) The calendar date on which the request was made, and, when presented in person, the time of day;

(c) The nature of the request;

(d) ~~If the matter requested is referred to within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.~~

~~(2) In all cases in which a member of the public is making a request, it shall be the obligation of)~~ (3) The public records officer ((or staff member to)) will assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-080 Copying. No fee ~~((shall be))~~ is charged for the inspection of public records. The board may charge a fee of ~~((ten))~~ fifteen cents per page for providing copies of public records, when copies of more than ten pages are provided, and for use of the department's copy equipment. ~~((This charge is the amount necessary to reimburse the department for its actual cost incident to such copying.))~~

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-090 Exemptions. ~~((1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 399-20-070 is exempt from disclosure under the provisions of RCW 42.17.260 and 42.17.310.~~

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records shall be accompanied by a written statement specifying the reason for the denial.)) (1) The public records officer will determine whether a requested record is exempt from disclosure under chapter 42.17 RCW.

(2) If a requested record is determined to be exempt in part, the public records officer will delete the exempt portions of the record before making it available for inspection or copying. The public records officer will fully justify any deletion in writing.

(3) Whenever the public records officer denies a public records request, a written statement specifying the reason for the denial shall be provided.

(4) The Public Disclosure Act requires agencies to respond promptly to requests for public records. Within five business days after receiving a public records request, the public records officer must respond by either:

(a) Providing the record;

(b) Acknowledging the request and stating a reasonable estimate of the time the board will need to respond; or

(c) Denying the request.

The board may require additional time to respond for reasons consistent with RCW 42.17.320.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-100 Review of denials of public records requests. ~~((1) Any person who objects to the denial of a request for public records may petition for prompt review of such decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.~~

~~(2) Following receipt of a written request for review of a decision denying a request from public records, the public records officer or other authorized staff member denying the request shall refer it to the chairman of the board or his designee. The chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following receipt of the request for review.~~

~~(3) Administrative remedies shall not be considered exhausted until the request has been returned with a decision or until the close of the second business day following the denial of inspection, whichever occurs first.)~~ Agencies are required to establish a mechanism for the prompt review of decisions denying the inspection or copying of public records. In any case where a public record is denied in whole or in part the chair, or designee, shall immediately review the matter and either affirm or reverse the denial. The review is deemed complete at the end of the second business day following the denial of inspection or copying and constitutes final agency action for purposes of judicial review.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-110 Protection of public records. ((In order to properly protect the public records in the custody of the board, the following guidelines shall be adhered to by any person inspecting such public records:

~~(1) No public records shall be removed from the offices of the board;~~

~~(2) Inspection of any public records shall be conducted in the presence of a designated board or department employee;~~

~~(3) No public records may be marked or defaced in any manner during inspection;~~

~~(4) Public records which are maintained in a file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee of the board or department; and~~

~~(5) Access to file cabinets, shelves, vaults, etc., is restricted to board or department personnel.)~~ To protect the board's public records any person inspecting or copying the records must comply with the following requirements:

(1) Public records may not be removed from the board's offices;

(2) Persons inspecting public records must do so in the presence of a designated board or department employee;

(3) Persons inspecting or copying public records must not mark or deface them in any manner;

(4) Public records maintained in a file jacket, or in chronological order must not be dismantled except for the purposes of copying and then only by a designated board or department employee;

(5) Only board or department employees will have access to file cabinets, shelves, vaults, or other storage areas.

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-20-120 Adoption of form. The board hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "request for public records."

In order to request copies of our public records, please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

REQUEST FOR PUBLIC RECORDS			
Public Works Board (9th and Columbia Building Mail Stop GH-51 campus Olympia, Washington 98504 4151) PO Box 48319 Olympia, WA 98504-8319 (360) 753-2200			
NAME OF REQUESTOR:		PHONE:	
STREET ADDRESS:			
CITY:	STATE:	ZIP:	
DATE OF REQUEST (M/D/Y):		TIME:	A.M. P.M.
PUBLIC RECORDS OR INFORMATION REQUESTED:			
		Completed by Public Works Board Staff	
NUMBER OF COPIES, IF REQUESTED:		NUMBER OF COPIES PROVIDED:	
APPOINTMENT TO VIEW RECORDS:		AMOUNT RECEIVED FOR COPIES: \$	
(Preferred Dates)			
(1st) DATE:	TIME:	APPOINTMENT CONFIRMED:	
(2nd) DATE:	TIME:		
(3rd) DATE:	TIME:	DATE:	TIME: STAFF:
IF SPECIAL EQUIPMENT REQUIRED FOR VIEWING RECORDS, PLEASE DESCRIBE:			
AGREEMENTS: I have read, understand, and will comply with the rules of the public works board governing the inspection and copying of public records. I also agree that any list of individuals and/or information provided me by the board shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for the purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.			

PROPOSED

SIGNATURE OF REQUESTOR: _____ DATE: _____

ACKNOWLEDGEMENT OF RECEIPT

DATE: _____ TIME: _____ A.M.
P.M.

SIGNATURE OF STAFF RECIPIENT: _____

REASON IF AGENCY IS UNABLE TO COMPLY: _____

WAC 399-20-120 (11/85)

(FOR BOARD USE ONLY)

Number of copies

Number of pages

Per page charge \$ ~~(-10)~~ 15
for in excess of
ten pages

Total charge \$

AMENDATORY SECTION (Amending Order 85-17, filed 12/4/85)

WAC 399-30-010 Purpose. (1) ~~((Pursuant to authority derived from chapter 446, Laws of 1985,))~~ The public works board ~~((may))~~ make low-interest or interest-free loans to local governments from the public works assistance account or other ~~((funds and accounts for the purpose of assisting))~~ sources to assist local governments in financing public works projects. The board may also pledge money to the repayment of all or a portion of the principal ~~((of))~~ or interest on obligations issued by local governments to finance public works projects.

(2) The purpose of this chapter is to ~~((prescribe the form and manner in which))~~ describe how local governments may ~~((make application))~~ apply to the board for financial assistance, and to provide for the ~~((consideration and disposition))~~ review of ~~((such))~~ the applications.

AMENDATORY SECTION (Amending Order 89-01, filed 4/28/89)

WAC 399-30-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the public works board.
- (2) "Department" means the department of community, trade, and economic development.
- (3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.
- (4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corpora-

tions or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of ~~((streets and roads, bridges, water systems, or storm and sanitary sewage))~~ bridges, roads, domestic water systems, sanitary sewer systems, storm sewer systems, and solid waste/recycling systems.

(6) "Emergency public works project" means a public works project made necessary by a natural disaster, or an immediate and emergent threat to the public health and safety due to unforeseen or unavoidable circumstances.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-030 Loan and financing guarantee applications. (1) ~~((Applications for loans and/or financing guarantees to assist in the financing of critical public works projects may be made by))~~ Any local government in the state of Washington may apply for a loan or financing guarantee to assist in financing critical public works projects.

(2) All applicants must meet the following conditions:

(a) Applicant cities and counties must be imposing a real estate excise tax under RCW 82.46.010(2) at a rate of at least one-quarter of one percent;

(b) Applicant local governments must have developed a long-term plan for financing public works needs as further described in the loan application package ~~((; and~~

~~((e) Applicant local governments must be using all local revenue sources that are reasonably available for funding public works, taking into consideration local employment and economic factors.))~~ under "capital facilities planning."

(3) Direct costs eligible for public works loans are those costs ~~((which are))~~ directly attributable to a specific project and ~~((shall))~~ include:

(a) ~~((Direct labor (engineering and/or construction) including related employee benefits.))~~ Work done by employees of the applicant, or by other government employees under an inter-local agreement or contract limited to: Engineering, environmental review, design activities, acquisition of rights of way or property, construction inspection activities, roadway seal coating (if bids from private sector contractors have been solicited and compared with the inter-local agreement proposal), and the cleaning, sterilization, or bacteriological testing of water system components prior to public use.

(i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (excluding the administrative organization of the operating unit involved) ~~((for periods of time, actively or incidentally engaged in (A) engineering, (B) acquisition of rights of way, (C) construction inspection activities)).~~ The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full-time basis the types of services described above and when similar procedures are followed;

PROPOSED

(ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:

- (A) F.I.C.A. (Social Security) - employer's share;
- (B) Retirement benefits;
- (C) Hospital, health, dental, and other welfare insurance;
- (D) Life insurance;
- (E) Industrial and medical insurance;
- (F) Vacation;
- (G) Holiday;
- (H) Sick leave; and
- (I) Military leave and jury duty.

Employee benefits ~~((shall))~~ must be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs ~~((shall))~~ must be based ~~((upon))~~ on the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

(b) Contract engineering ~~((and))~~, planning, legal, and financial planning services. The board reserves the right to declare ineligible legal costs that are unreasonable and disproportionate to the project.

(c) Right-of-way acquisition costs including:

- (i) Purchase of land and easements acquired for and devoted to the project;
- (ii) Purchase of improvements;
- (iii) Adjustment or reestablishment of improvements;
- (iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;
- (v) Removal or demolition of improvement;
- (vi) Other direct costs in connection with the acquisition.

Amounts received from the sale of excess real property or improvements and from any rentals ~~((shall))~~ will be ~~((a reduction of))~~ reduced from the direct cost.

(d) Contract construction work.

(e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations ~~((: Provided, That))~~. However, such costs ~~((shall))~~ must be charged on a uniform basis to equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less ~~((which may not use this))~~ not using type of fund ~~((shall-be))~~ are allowed the same rates as used by the department of transportation.

(f) Direct materials and supplies. ~~((The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.))~~

(i) An overhead rate or "loading factor" ~~((shall))~~ is not ~~((be))~~ considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.

(ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, ~~((shall))~~ will be considered a reduction of direct costs. Any material ~~((which may be))~~ that is salvaged in connection with a project

~~((shall))~~ will be assigned a reasonable value and considered a reduction of direct costs.

(iii) Wetland plants and other materials used for wetland planting, wildlife habitat, or fish habitat may be provided to a public or nonprofit organization without a reduction of direct costs.

(g) Interdepartmental charges for work performed by the local government for the benefit of specific construction projects ~~((shall-be))~~ is limited to direct costs plus an allocation of indirect costs based ~~((upon))~~ on ten percent of direct labor dollars, excluding employee benefits.

(h) Other direct costs incurred for materials or services acquired for a specific project ~~((shall-be))~~ are eligible for participation by public works loan funds and may include, but ~~((shall))~~ are not ~~((be))~~ limited to such items as:

- (i) Telephone charges;
- (ii) Reproduction and photogrammetry costs;
- (iii) Video and photography for project documentation;
- (iv) Computer usage; and
- (v) Printing and advertising.

(4) Other than work identified in subsection (3)(a) of this section, no government employee labor related costs, including force account work, are eligible for financing assistance or to be considered as local match under this chapter.

(5) Applications ~~((shall))~~ must be submitted ~~((to the board))~~ in writing, on ~~((such))~~ forms ~~((as may be prescribed by and obtained from))~~ provided by the board for the current funding cycle.

~~((5) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official of the applicant jurisdiction. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request.))~~ (6) A responsible official of the applicant jurisdiction must sign and verify each application for financial assistance. The official must also provide the board with additional materials or information in support of the application when requested by the board or its staff.

(6) A responsible official of the applicant jurisdiction must sign and verify each application for financial assistance. The official must also provide the board with additional materials or information in support of the application when requested by the board or its staff.

AMENDATORY SECTION (Amending WSR 95-11-093, filed 5/19/95, effective 6/19/95)

WAC 399-30-040 Application evaluation procedure and board deliberations. (1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) Applications will be evaluated and prioritized in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2). Jurisdictions whose applications do not meet the minimum qualification requirements will be notified in writing of the disqualification.

(c) Staff will perform ~~((a preliminary))~~ an evaluation of all applications which meet the requirements of WAC 399-30-030(2). Applications will be scored according to the num-

ber of points awarded for responses provided in the statements of local management efforts and project need.

(i) Not less than sixty points, of a one hundred point total, ~~((shall))~~ will be assigned to responses to questions identified in the application as relating to local management effort.

(ii) The remaining forty points ~~((shall))~~ will be assigned to responses to questions identified in the application as relating to project need.

(d) Staff will provide the board with ~~((preliminary))~~ evaluation and scoring of the applications. All application materials will be available to the board for their deliberations. The board will ~~((develop))~~ approve a ranked list of projects based on the information provided to them by the staff and the applications.

(e) The board may adjust the ranked list in consideration of the following factors:

(i) Geographical balance;

(ii) Economic distress;

(iii) Type of projects;

(iv) Type of jurisdiction;

(v) Other criteria that the board considers advisable.

(f) Staff will verify critical information on each project as required by the board.

(g) In order to ensure fairness to all jurisdictions with applications pending before the board, the board will not accept oral or written testimony from any applicant while deliberating loan priorities, other than specific responses to information requests initiated by the board as provided in (h) of this subsection.

(h) The board may consult with officials of jurisdictions having projects submitted for funding on any issue it wishes to address.

(3) Applicants will be notified in writing of board decisions.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-042 Application evaluation procedure and board deliberations—Capital planning support. (1) The board will consider and approve, or disapprove, all applications for capital planning support loans at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(2) All applications will be evaluated in accordance with the following procedures:

(a) Staff will log in all applications as received.

(b) Staff will review all applications for compliance with the minimum qualification requirements of WAC 399-30-030(2). Jurisdictions whose applications do not meet the minimum requirements will be notified in writing of the disqualification.

(c) Staff will perform ~~((a preliminary))~~ an evaluation of applications which meet the requirements of WAC 399-30-030(2) to determine if the application is consistent with the policies contained in the capital planning support loan application.

(d) Those applications found to be consistent with board policies may be recommended to the board for funding. All

application materials will be available to the board for its deliberations. The board will ~~((develop))~~ approve a list of projects based on the information provided to it by the staff and the applications.

(e) The board may then adjust the list in consideration of the following factors:

(i) Geographical balance;

(ii) Economic distress;

(iii) Other criteria that the board considers advisable.

(f) Staff will verify critical information on each project as required by the board.

(g) The board may consult on any issue it wishes to address, with officials of jurisdictions having projects submitted for funding.

(3) Applicants will be notified in writing of board decisions.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-045 Emergency loan program. This section implements RCW ~~((43.155.060 as amended in 1988 to provide that:))~~ 43.155.060 and 43.155.065. The board may make low-interest or interest free loans to local governments for emergency public works projects. The emergency loan program is to financially assist eligible communities experiencing the loss of critical public works services or facilities due to an emergency, and that can demonstrate a substantial fiscal need.

(1) Eligible local governments. Applicants must meet the conditions as identified under WAC 399-30-030(2).

(2) Eligible uses of funds. Financial assistance received shall be used for the purpose of restoring the services and/or repair of the public works facilities involved in the emergency. Assistance provided may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following:

(a) Federal disaster or emergency funds, including funds from the Federal Emergency Management Agency;

(b) State disaster or emergency funds;

(c) Insurance settlements; or

(d) Litigation.

~~((Reimbursement from the sources listed above shall be made to the department and shall remain an obligation of the assisted local government up to four years after the date of formal project closeout with the department. Local governments receiving funds shall undertake efforts to be reimbursed in a timely manner. Further, that assistance will be offered only for those eligible costs identified in WAC 399-30-030(3).))~~ Assisted local governments must reimburse the department any moneys received from the sources listed above. The local government is obligated to make reimbursement for four years after formal project closeout. Local governments eligible to receive moneys must use their best efforts to seek reimbursement in a timely manner.

(3) Availability of funds. Funding will be made available on a first-come first-served basis. Only those funds specifically appropriated by the legislature from the public works assistance account shall be used to make emergency loans.

That amount shall not exceed five percent of the total amount appropriated from this account in any biennium.

(4) Application process. ~~((The application process shall be in writing on such forms or format as may be prescribed and obtained from the board. The date and time of receipt of the application by the board designated representative shall determine the sequence for application processing.))~~ Local governments must apply on the form provided by the board. Applications will be processed in the order received.

(5) Board deliberations—Emergency loan applications.

(a) The board will consider and approve or disapprove all eligible applications for emergency financial assistance at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.

(b) All applications will be accepted, evaluated, and prioritized in accordance with the following procedures:

(i) Applications will be accepted only when emergency funding is available.

(ii) Staff will review applications and verify that the applicant is eligible for assistance as set forth in RCW 43.155.070(1).

(iii) Staff will provide the board an evaluation of whether an emergency loan is needed based upon the information documented by the applicant and staff.

(iv) Site visits to the location of the emergency public works project will be carried out at the discretion of the board or staff.

(6) Loan terms. The board shall determine the term and interest rate(s) of emergency loans annually.

(7) Exceptions to public works trust fund policies and procedures. Except as provided in this chapter or specified in annual program guidelines, the emergency program shall follow all general administrative program policies as set for the public works trust fund.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-050 Recommendations to the legislature. (1) Prior to November 1, 1986, and in each subsequent year, the board ~~((shall))~~ will develop and submit to the ~~((ways and means))~~ appropriate fiscal committees of the senate and house of representatives a prioritized list of projects which the board recommends for funding by the legislature.

(2) In addition to the requirements of RCW 43.155.070(4), the list will include such supporting material as the board considers necessary to meet the purposes of this chapter.

(3) Before November 1 of each year, the board ~~((shall))~~ will develop and submit to the chairs of the ~~((ways and means))~~ appropriate fiscal committees of the senate and house of representatives a description of the emergency loans made under this program ~~((as provided in RCW 43.155.070(4), as amended in 1988, and identified in RCW 43.155.065)).~~

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-060 Loan and financing guarantee contracts. (1) The board ~~((shall not sign))~~ will only execute loan agreements or otherwise financially obligate funds from the public works assistance account ~~((until))~~ after the legislature approves the list and accompanying appropriation ~~((are approved by the legislature)).~~

(2) After the legislature has appropriated funds from the public works assistance account for a specific list of public works projects, the loan funds will be disbursed to the applicant local government ~~((pursuant to))~~ through a contract ~~((therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine: Provided, That the amount loaned to a local government shall not exceed ninety percent of eligible proposed project cost: Provided further, That the funds provided by a local government which are considered local financial participation shall consist of locally generated revenues and/or federal and/or state shared revenues subject to discretionary allocation by the recipient unit of local government: Provided further, That the interest rate and local share requirements for loans shall be determined annually by the board: Provided further, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter.~~

(3) Public works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the department of community development prior to the disbursement of any funds thereunder.

(4) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the department of community development by the local government within ninety days of the date a scope of work form request is initiated.

(5) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government within ninety days of the date a loan agreement is initiated.

(6) Work on public works projects financed through loans or financing guarantees offered to local governments must commence prior to October 1 of the year in which the loan or financing guarantee is offered.

(7) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within thirty months of the date of loan execution). The contract will offer terms and conditions as the board determines are reasonable, based on the following standards:

(a) The amount loaned to a local government must not exceed ninety percent of eligible proposed project costs.

(b) The local government's financial participation funds must be from locally generated revenues or federal or state shared revenues that can be allocated at the discretion of the local government.

(c) The interest rate and local share requirements for loans will be determined annually by the board.

(d) Loans must not exceed twenty years, or the useful life of the improvements, whichever is shorter.

(3) The local government and the department must execute a final contract before any funds are disbursed.

(4) The local government must complete a scope of work form for a loan or financing guarantee and return it to the department within ninety days after the department offers a loan or financing guarantee.

(5) The local government must execute any loan or financing guarantee contracts offered within ninety days after the department offers the contract.

(6) The local government must begin work on a public works project prior to October 1 of the year in which the loan or financing guarantee is offered.

(7) The local government must complete work on the public works project within the time specified in the loan agreement, unless a written request for extension is approved by the board.

(8) ((Funds expended by local governments on projects financed through loans or financing guarantees by the public works assistance account before an agreement has been formally executed by the local government and the department of community development may not be reimbursed with funds from the public works assistance account. Such funds may be used by the local government as an element in its required local participation in a project financed by the public works assistance account provided they are used for activities eligible)) The board or department will not reimburse local governments for any funds spent on public works projects financed through the public works assistance account before a contract agreement has been formally executed. Funds spent before the contract is executed may be used toward local participation requirements if they are for eligible activities under WAC 399-30-030 and are consistent with the executed loan agreement.

AMENDATORY SECTION (Amending WSR 92-03-052, filed 1/13/92, effective 2/13/92)

WAC 399-30-065 Emergency loan and financing guarantee contracts. (1) After the legislature has appropriated funds from the public works assistance account for emergency loans, the loan funds will be disbursed to the applicant local government pursuant to a contract ((therefor, which will be offered to the local government with such reasonable terms and conditions as the board may determine, if any: *Provided*, That the funds provided by a local government which are considered local financial participation shall consist of locally generated revenues and/or federal and/or state shared revenues subject to discretionary allocation by the recipient unit of local government: *Provided further*, That loans shall not exceed twenty years in duration, or the useful life of the improvements, whichever is shorter.

(2) Public works project loan and/or financing guarantee agreements offered to local governments shall be formally executed by the local government and the department of community development prior to the disbursement of any funds thereunder.

(3) Public works project loan and/or financing guarantee scope of work forms shall be completed and returned to the

~~department of community development by the local government within ninety days of the date a scope of work form request is initiated.~~

~~(4) Public works project loan and/or financing guarantee contracts offered to local governments shall be executed by the local government within ninety days of the date a loan agreement is initiated.~~

~~(5) Work on emergency public works projects financed through loans or financing guarantees offered to local governments must commence within ninety days of the date of loan execution.~~

~~(6) Work on public works projects financed through loans or financing guarantees offered to local governments must be completed within twelve months of the date of loan execution, unless a written request for extension is approved by the board.~~

~~(7) Funds expended by local governments on projects financed through loans or financing guarantees by the public works assistance account before an agreement has been formally executed by the local government and the department of community development may not be reimbursed with funds from the public works assistance account: *Provided*, That if the local government has made a formal declaration of an emergency, eligible costs for correction of the emergency incurred from the effective date of such declaration, and approved by the public works board, will be eligible for reimbursement. Such eligible costs not reimbursed but incurred before a loan agreement is approved may be used by the local government as an element of its required local participation, if any, for the emergency public works project)). The contract will offer terms and conditions the board determines are reasonable, based on the following standards:~~

(a) The local government's financial participation funds must be from locally generated revenues or federal or state shared revenues that can be allocated at the discretion of the local government.

(b) Loans must not exceed twenty years, or the useful life of the improvements, whichever is shorter.

(2) The local government and the department must execute a final contract before any funds are disbursed.

(3) The local government must complete a scope of work form for a loan or financing guarantee and return it to the department within ninety days after the department offers a loan or a financing guarantee contract.

(4) The local government must execute any loan or financing guarantee contracts offered within ninety days after the department offers the contract.

(5) The local government must begin work on an emergency public works project within ninety days after the contract is executed.

(6) The local government must complete work on an emergency public works project within twelve months after the contract is executed, unless a written request for extension is approved by the board.

(7) The board or department will not reimburse local governments for any funds spent on emergency public works projects financed through the public works assistance account before a contract agreement has been formally executed. However, if the local government has formally declared an emergency, the board may approve reimburse-

ment of eligible costs of correcting the emergency incurred after an emergency was declared.

Any unreimbursed eligible costs for the project may be used toward local participation requirements, if any.

(8) All public works projects (~~shall~~) must comply with the competitive bid requirement of RCW 43.155.060 to the extent feasible and practicable.

WSR 98-18-024

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 25, 1998, 9:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-081.

Title of Rule: Chapter 308-97 WAC, Vehicle license interstate and intrastate permit.

Purpose: To meet the criteria set forth in Governor Locke's Executive Order 97-02.

Statutory Authority for Adoption: RCW 46.16.160.

Summary: Repealing WAC 308-97-010 Definitions, 308-97-060 Duration weight limit and converter gear, 308-97-090 Completing trip permits, 308-97-175 Bulk purchase of trip permits and 308-97-205 Design of trip permit; and amending WAC 308-97-125 Display of trip permits and 308-97-230 Appointment of vehicle trip permit agents.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Arthur W. Farley, 2424 Bristol Court Avenue S.W., Olympia, (360) 753-6993.

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 of the above mentioned requirements.

Proposal Changes the Following Existing Rules: Making rules clear, concise and easier to comprehend for the public.

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

RCW 34.05.328 does not apply to this rule adoption. The contents of the proposed rules are explicitly and specifically dictated by statute.

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on October 6, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by October 5, 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 October 5, 1998.

Date of Intended Adoption: October 31, 1998.

August 24, 1998

Nancy S. Kelly, Administrator
Title and Registration Services
by Carol Judge

AMENDATORY SECTION (Amending Order DOL 634, filed 7/24/81)

WAC 308-97-125 Display of trip permits. ~~((The vehicle copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.~~

~~(1) Passenger cars, and small trucks: Affix permit to the inside lower left corner of the rear window.~~

~~(2) Trucks, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.~~

~~(3) Trailers, semi-trailers, converter gears, motorcycle and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.~~

Note: ~~If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location which is visible from outside the vehicle and does not obstruct the operator's view.~~

How is a trip permit displayed?

The vehicle display copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, small trucks and campers: Affix permit to the inside lower left corner of the rear window.

(2) Trucks, tractors, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailer, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

(4) If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location, which is visible from outside the vehicle and does not obstruct the operator's view.

AMENDATORY SECTION (Amending Order DOL 634, filed 7/24/81)

WAC 308-97-230 Appointment of vehicle trip permit agents. ~~((The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle trip permits to the public.~~

~~(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle trip permits under the provisions of RCW 46.16.160 shall make application to the department on forms to be furnished by the department.~~

(2) Before appointment of any agent, other than a governmental agency or a governmental agency subagent, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter and RCW 46.16.160; to timely account and pay all permit fees; to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee; and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, and payment of any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the monetary value of vehicle trip permits issued to such agent as determined by the department.

(3) The filing fee collected for each permit by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits: *Provided*, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle trip permits may be requested by the permit applicant to be received via collect facsimile or other electronic transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle trip permits via collect facsimile or other electronic transmission has been so requested, such agent may collect from the requestor, upon delivery of such facsimile or other electronic transmission, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle trip permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the administrative fee and excise tax of such permit(s).

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven-day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has

~~failed to comply with, or has violated any of the provisions of RCW 46.16.160, chapter 308-97 WAC, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle trip permits then outstanding.)~~ (1)

Who can sell vehicle trip permits?

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and nongovernment organizations.

(2) How does a nongovernment organization obtain approval to sell vehicle trip permits?

Nongovernment organizations must:

(a) Apply to the department;

(b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;

(c) Provide a surety bond; and

(d) Provide transmission fee schedule if issuing permits electronically.

(3) How do I obtain an application to become an agent for selling trip permits?

Any nongovernment organization may obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are the components of the agreement?

The components of the agreement require the agent to:

(a) Timely account and pay all permit fees;

(b) Subject their books and records to periodic audit;

(c) Pay interest and penalties upon any deficiency;

(d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

(e) Mail or deliver weekly transmittals to the department by Friday of each week for permit sales covering the preceding seven days. Transmittals shall be accompanied by the appropriate fees and any documents required by the department;

(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for.

(5) What are the requirements of a surety bond?

The requirements of a surety bond are to:

(a) Be on a form provided by the department;

(b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;

(c) Be executed by the applicant as principal;

(d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) What is the agent fee for selling a vehicle transit permit?

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) How may vehicle trip permits be issued?

Vehicle trip permits may be issued by:

- (a) Original two-part manual form;
- (b) Facsimile of the two-part manual form; or
- (c) Authorized electronic form.

(8) If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) What happens if the agent fails to comply with the agreement?

The department may, after proper notice, served personally or by certified mail, revoke the appointment of any agent who has violated any provisions of RCW 46.16.160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent shall return to the department any vehicle trip permits in inventory and any money owed to the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-97-010	Definitions.
WAC 308-97-060	Duration, weight limit and converter gear.
WAC 308-97-090	Completing trip permits.
WAC 308-97-175	Bulk purchase of trip permits.
WAC 308-97-205	Design of trip permit.

WSR 98-18-026
PROPOSED RULES
DEPARTMENT OF
TRANSPORTATION
 [Filed August 25, 1998, 10:14 a.m.]

Supplemental Notice to WSR 98-10-038.

Preproposal statement of inquiry was filed as WSR 98-14-045.

Title of Rule: WAC 468-38-070 Maximums for special permits—Nonreducible and 468-38-071 Maximums for special permits—Reducible.

Purpose: To bring the two WACs into agreement with current practice, and thereby enhance clarity and public safety. This amendment was originally applied on May 11, 1998, incorrectly to WAC 468-38-070, this filing will correct the error and place the criteria in WAC 468-38-071.

Statutory Authority for Adoption: RCW 46.44.090.

Summary: The rule expands reducible permits to include empty apple bins and certain qualifying loads of hay to be transported up to fifteen feet high.

Reasons Supporting Proposal: Corrects earlier misapplication of criteria.

Name of Agency Personnel Responsible for Drafting and Implementation: Barry Diseth, Washington State Department of Transportation, Olympia, (360) 664-9497; and Enforcement: Capt. 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 rear vision apertures (mirrors) which is consistent with RCW 46.37.400.

Proposal Changes the Following Existing Rules: Amended rule makes direct reference to RCW 46.37.400 as well as referencing requirements consistent with RCW.

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 October 12, 1998, at 2:30 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by October 7, 1998.

Submit Written Comments to: Barry Diseth, Motor Carrier Services, P.O. Box 47367, Olympia, WA 98504-7367, fax (360) 664-9440, by October 7, 1998.

Date of Intended Adoption: October 12, 1998.

August 25, 1998

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 172, filed 4/10/98, effective 5/11/98)

WAC 468-38-070 Maximums for special permits—Nonreducible. (1) Overwidth: 14 feet on any two-lane highway; 20 feet on any multiple-lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple-lane undivided highway.

The regulations on movement of buildings are in WAC 468-38-360.

(2) Overheight: A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions. ~~((Vehicles hauling empty apple bins, or ranchers hauling their own hay for their own livestock, may be issued permits to haul these respective loads up to 15 feet high on preapproved routes within a three-county area.))~~

PROPOSED

(3) Overlength: The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) Overweight: 22,000 pounds on a single axle; 43,000 pounds on tandem axles. (RCW 46.44.091)

AMENDATORY SECTION (Amending WSR 96-23-003, filed 11/7/96, effective 12/8/96)

WAC 468-38-071 Maximums for special permits—Reducible. (1) Overlength: Permits for reducible loads shall not exceed 56 feet for a single trailer and 68 feet for double trailers. Measurement for a single trailer will be from the front of the trailer, or load, to the rear of the trailer, or load, whichever provides the greater distance up to 56 feet. Measurement for double trailers will be from the front of the first trailer, or load, to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. A log truck pulling a pole-trailer, trailer combination, carrying two distinct and separate loads will be treated as a tractor-semi-trailer-trailer (doubles). Measurement for the log truck, pole-trailer, trailer combination will be from the front of the first bunk on the truck to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. Measurements shall not include nonload carrying devices designed for the safe and efficient operation of the semitrailer or trailer; for example: External refrigeration unit, resilient bumper, and aerodynamic shells.

(2) Overheight: ~~((Vehicles hauling empty apple bins may be issued permits to haul such bins up to 14 feet 10 inches high.))~~ A vehicle, or vehicle combination, hauling empty apple bins, or in use by ranchers hauling hay from their own fields for use with their own livestock, may be issued a permit, for vehicle and load, not to exceed fifteen feet high, measured from a level road bed. This permit may be used in conjunction with the overlength permit described in subsection (1) of this section.

WSR 98-18-027

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed August 25, 1998, 11:04 a.m.]

The Department of Fish and Wildlife withdraws WSR 98-17-091.

Evan S. Jacoby
Rules Coordinator

WSR 98-18-043

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed August 28, 1998, 2:45 p.m.]

Continuance of WSR 98-15-157.

Title of Rule: Proposed livestock identification rules to implement changes in the livestock inspection procedures.

Purpose: To extend the adoption date to September 8, 1998.

Date of Intended Adoption: September 8, 1998.

August 28, 1998

Julie Sandberg

Assistant Director

WSR 98-18-055

PROPOSED RULES

SPOKANE COUNTY AIR

POLLUTION CONTROL AUTHORITY

[Filed August 31, 1998, 9:54 a.m.]

Original Notice.

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

Title of Rule: Spokane County Air Pollution Control Authority (SCAPCA) Regulation I, Section 6.17 - Standards for Municipal Solid Waste Combustors.

Purpose: To implement federal emission guidelines for municipal solid waste combustors.

Statutory Authority for Adoption: Chapter 70.94 RCW (RCW 70.94.141 and 70.94.380).

Statute Being Implemented: Chapter 70.94 RCW and 42 U.S.C. 7401 et seq.

Summary: This rule implements federally established emission guidelines (40 CFR Part 60, Subpart Cb) for municipal solid waste combustors.

Reasons Supporting Proposal: If local rules are not adopted, EPA will enforce the federal standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kelle R. Vigeland, 1101 West College, #403, Spokane, WA 99201, (509) 477-4727 ext. 106.

Name of Proponent: Spokane County Air Pollution Control Authority (SCAPCA), governmental.

Rule is necessary because of federal law, [Public Law 101-549, November 15, 1990].

Explanation of Rule, its Purpose, and Anticipated Effects: The rule implements federally established emission guidelines for certain municipal solid waste combustors. The federal emission guidelines are codified in 40 CFR Part 60, Subpart Cb. The rule lowers allowable emissions from affected combustors for several pollutants. The rule will affect one facility in Spokane County.

Proposal Changes the Following Existing Rules: This proposal amends the earlier version of SCAPCA Regulation I, Section 6.17. The proposal updates the rule to include changes to Subpart Cb that were made after Section 6.17 was

PROPOSED

originally filed and makes corrections to typographical errors contained in the rule.

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

RCW 34.05.328 does not apply to this rule adoption. This is a local agency rule and RCW 34.05.328 has not been voluntarily made applicable to this rule. In addition, this rule implements a federal regulation without material change.

Hearing Location: Hearing Room Lower Level, Spokane County Public Works, 1026 West Broadway, Spokane, WA, on November 5, 1998, at 9:00 a.m.

Submit Written Comments to: Kelle R. Vigeland, Spokane County Air Pollution Control Authority, 1101 West College, #403, Spokane, WA 99201, fax (509) 477-6828, by November 3, 1998.

Date of Intended Adoption: November 5, 1998.

August 28, 1998

Kelle R. Vigeland

Environmental Engineer

AMENDATORY SECTION (Amending WSR 98-01-037, filed 12/8/97)

SCAPCA REGULATION I, SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS

A. Purpose. This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.

B. Definitions. The definitions in 40 CFR §60.31b, as in effect on September 1, 1998, are adopted by reference except:

1. The references to §60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to §60.33b (c)(1)(i) and (ii).

2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.

C. Applicability. Section 6.17 ((This section)) applies to all facilities within Spokane County that are designated facilities as established in 40 CFR §60.32b((a)), as in effect on September 1, 1998.

D. Emission Standards. The following emission standards are adopted by reference. All facilities (i.e., each municipal solid waste combustor unit) designated in C. of this section shall comply with these standards in accordance with the compliance schedule given in J. below.

1. Particulate matter emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(1)(i), as in effect on September 1, 1998.

2. Opacity shall not exceed the emission limit in 40 CFR §60.33b (a)(1)(iii), as in effect on September 1, 1998.

3. Cadmium emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(2)(i), as in effect on September 1, 1998.

4. Lead emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(4)((2)(iii)), as in effect on September 1, 1998.

5. Mercury emissions shall not exceed the emission limit in 40 CFR §60.33b (a)(3), as in effect on September 1, 1998.

6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR §60.33b (b)((4)(i))(3)(i), as in effect on September 1, 1998.

7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR §60.33b (b)((2)(i))(3)(ii), as in effect on September 1, 1998.

8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR §60.33b (c)(1)(i) or (ii), as in effect on September 1, 1998.

9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR §60.33b(d) (24-hour daily arithmetic average), as in effect on September 1, 1998.

10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR §60.34b(a), as in effect on September 1, 1998.

E. Operating Practices. The operating practices of 40 CFR §60.53b (b) and (c), as in effect on September 1, 1998, are adopted by reference. All facilities designated in C. of this section shall comply with these practices in accordance with the compliance schedule given in J. below.

F. Operator Training and Certification. The operator training and certification requirements of 40 CFR §60.54b((b)), as in effect on September 1, 1998, are adopted by reference with the following change:

1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.

All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

G. Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR §60.55b, as in effect on September 1, 1998, are adopted by reference. All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

H. Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR §60.58b, as in effect on September 1, 1998, are adopted by reference with the following changes:

1. In §60.58b(c), the reference to §60.52b (a)(1) and (a)(2) is hereby changed to §60.33b (a)(1)(i) and (iii).

2. In §60.58b(d), the reference to §60.52b(a) is hereby changed to §60.33b (a)(2)((i) and (iii) and), (a)(3), and (a)(4).

3. In §60.58b (d)(1), the reference to §60.52b (a)(3) and (4) is hereby changed to §60.33b (a)(2)((i) and (iii)) and (a)(4).

4. All references to §60.52b (a)(5) in §60.58b are hereby changed to §60.33b (a)(3).

5. In §60.58b(e), the reference to §60.52b (b)(1) is hereby changed to §60.33b (b)((4)(i))(3)(i).

6. In §60.58b(f), the reference to §60.52b (b)(2) is hereby changed to §60.33b (b)((2)(i))(3)(ii).

PROPOSED

7. All references to §60.52b(c) in §60.58b are hereby changed to §60.33b (c)(1)(i) and (ii).

8. In §60.58b (g)(5)(iii), the alternate testing schedule for dioxins/furans (~~(specified in §60.58b (g)(5)(iii))~~), as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.

9. In §60.58b(h), the references to §60.52b(d) are hereby changed to Table 1 of §60.33b(d).

10. In §60.58b(i), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b (b) and (c).

11. In §60.58b(i), the references to §60.53 b(a) are hereby changed to Table 3 of §60.34b(a).

All facilities designated in C. of this section shall comply with the compliance and performance testing requirements of this subsection in accordance with the compliance schedule given in J. below.

I. Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR §60.59b are adopted by reference with the following changes:

1. §60.59b (a), (b)(5), and (d)(11) are hereby deleted.

2. In §60.59b(d), the reference to §60.52b is hereby changed to §60.33b.

3. In §60.5(8)2b(d), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b (b) and (c).

All facilities designated in C. of this section shall comply with the recordkeeping and reporting requirements of this subsection in accordance with the compliance schedule given in J. below.

J. Compliance Schedule. All designated facilities, as determined in B. above, shall comply with the requirements of Section 6.17 as of December 1, 1999 (~~(This section shall become effective one year after EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb))~~) except for the following:

1. The requirement specified in §60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999 (~~(the date of EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb))~~).

2. The owner or operator may request that (~~(SCAPCA))~~ the EPA Administrator waive the requirement specified in §60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999 (~~(the date of EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb))~~).

3. The initial training requirements specified in §60.54b (f)(1) shall be completed no later than 12 months after December 1, 1999 (~~(EPA approval of the State plan required under 40 CFR Part 60, Subparts B and Cb))~~), or the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation whichever is later.

4. The initial performance evaluation/test, required in H. above, shall be completed no later than 180 days after December 1, 1999 (~~(the effective date of section)~~).

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

WSR 98-18-059

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 31, 1998, 1:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-13-003.

Title of Rule: Chapter 308-72 WAC, Motor vehicle fuel tax and chapter 308-77 WAC, Special fuel tax rules and regulations.

Purpose: To establish administrative rules to administer and clarify the provisions of SHB 2659 regarding the administration and collection of state motor vehicle fuel and special fuel taxes. To repeal or amend existing administrative rules which conflict with the provisions of the bill.

Statutory Authority for Adoption: RCW 82.36.435 and 82.38.260.

Statute Being Implemented: Chapters 82.36 and 82.38 RCW.

Summary: Administrative rules are necessary to administer and clarify the provisions of SHB 2659. This bill changes the manner in which the motor vehicle fuel and special fuel tax programs are administered by the Department of Licensing. The bill changes the point of taxation for motor vehicle fuel and special fuel; creates new reporting requirements; creates new license types and license application requirements, eliminates some existing tax types; and creates a dyed special fuel program.

Reasons Supporting Proposal: Key provisions of SHB 2659 require additional clarification and interpretation to facilitate effective administration by the department and to assist licensees in understanding and complying with the law. Passage of SHB 2659 requires the repeal or amendment of administrative rules currently in place.

Name of Agency Personnel Responsible for Drafting: Art Farley, Olympia, Washington 98504, (360) 753-6993; Implementation: Paige Boule, Olympia, Washington 98504, (360) 664-2500; and Enforcement: Thao Pham Manikoth, Olympia, Washington 98504, (360) 753-6860.

Name of Proponent: Department of Licensing, Prorate and Fuel Tax Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New motor vehicle fuel tax and special fuel tax rules have been proposed which accomplish the following:

- Promulgates the authority of the Department of Licensing to require fuel tax payments remitted by electronic funds transfers to be submitted on the last state business day before the 10th of the month if the 10th falls on a weekend or holiday.
- Allows fuel tax refunds of \$100.00 or less to be submitted without supporting purchase invoices, reducing

administrative burden on the department and refund claimant.

- Clarifies the definition of "export" to assist in ensuring tax-exempt fuel purchased for export is delivered outside the state of Washington.
- Clarifies the definition of "motor vehicle fuel supplier" and "special fuel supplier" to assist licensees in determining what license is appropriate for their business activity.
- Creates a delinquent account notification process for licensees as required by statute. This provides a process for fuel suppliers to notify the department when they have not received tax payments from purchases of fuel.
- Creates a process for licensees, other than fuel suppliers, to obtain refunds of fuel tax paid on worthless accounts receivable.
- Clarifies the date of receipt of refund claims for purposes of applying interest.

Additional amendments to the motor vehicle fuel tax and special tax administrative rules are proposed in order to repeal rules that either conflicted with, or became obsolete by, the passage of SHB 2659. Areas of amendment or repeal include license application requirements and tax reports; recordkeeping; purchase invoice documentation; tax exemptions; and bonding.

Proposal Changes the Following Existing Rules: The proposal will repeal the following sections of chapters 308-72 and 308-77 WAC: WAC 308-72-502 Sale or distribution at wholesale, 308-72-504 Bona fide wholesale merchant, 308-72-508 Requirements to qualify for a motor vehicle distributor license, 308-72-520 Reports, 308-72-530 Import deliveries, 308-72-600 Tax refund, 308-77-032 Special fuel dealer's license, 308-77-034 Special fuel user's license, 308-77-042 Special fuel user bond, 308-77-044 Bonding requirements, 308-77-060 Special fuel dealers' liability for the tax, 308-77-070 Exemptions, 308-77-100 Credit for bad debt losses of special fuel dealers, 308-77-120 Tax reports, 308-77-125 Tax rate change, and 308-77-130 Ten day reports and payments by special fuel dealer.

Amendatory sections include: WAC 308-72-540 Tax exempt transactions, 308-72-542 Tax exempt sales to qualified personnel of foreign governments, 308-72-550 Tax exempt losses, 308-72-560 Records, 308-72-570 Invoices, 308-72-620 Filing of claim, 308-72-630 Invoice requirements, seller responsibility, 308-72-640 Records, 308-72-650 Refunds to dealers delivering fuel exclusively for marine use, 308-72-660 Power take-off use, 308-72-670 Auxiliary engines, 308-77-010 Definitions, 308-77-020 Incidental use/exemptions, 308-77-040 Issuance of license, 308-77-050 Cancellation or revocation of license, 308-77-095 Minimum tax payment, 308-77-110 Allowance of credit or refund of tax paid, 308-77-150 Records, receipts, and invoices, 308-77-160 Sales invoices, 308-77-165 Export sales, 308-77-190 Audit appeal procedure, 308-77-220 Filing of refund claim, 308-77-230 Invoice requirements for refund purposes, 308-77-250 Power take-off use, and 308-77-260 Auxiliary engines.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Members of the

impacted industries and Department of Licensing staff reviewed the proposed amendments to chapters 308-72 and 308-77 WAC. No comments regarding the economic impacts of the proposed amendments were received.

RCW 34.05.328 does not apply to this rule adoption. These rules do not apply under RCW 34.05.328(5).

Hearing Location: On October 6, 1998, at 10 a.m. to noon, Department of Licensing, 405 Black Lake Boulevard, Building 2, BPD1, Olympia, WA 98502; and on October 8, 1998, at 10 a.m. to noon, Spokane Library, 906 West Main, Room 1A, Spokane, WA 99201.

Assistance for Persons with Disabilities: Contact Art Farley by October 1, 1998, TDD (360) 664-9492.

Submit Written Comments to: Art Farley, Department of Licensing, P.O. Box 9020, Olympia, WA 98504, fax (360) 664-2365, e-mail afarley@dol.wa.gov, by October 16, 1998.

Date of Intended Adoption: November 4, 1998.

August 31, 1998

Roger Wilson

Acting Administrator

NEW SECTION

WAC 308-72-501 Exports. "Export" means to obtain motor vehicle fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the motor vehicle fuel tax, motor vehicle fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country and the exporter must be licensed or registered, if required, in the state, province, or country of destination.

NEW SECTION

WAC 308-72-503 Motor vehicle fuel supplier. "Motor vehicle fuel supplier" means a person who is licensed, and:

(1) Owns and stores motor vehicle fuel within the bulk transfer/terminal system, including motor vehicle fuel in a terminal facility; or

(2) Refines and stores motor vehicle fuel at a refinery.

NEW SECTION

WAC 308-72-505 Electronic fund transfers. If you are paying your motor vehicle fuel tax by electronic funds transfer, and the due date for payment of the motor vehicle fuel tax falls on a Saturday, Sunday, or legal holiday, you must transfer the funds by the last state business day immediately preceding the due date. (For example, if the payment is due on Saturday, April 10, 1999, you must transfer the funds by April 9, 1999.)

AMENDATORY SECTION (Amending Order PFT 90-03, filed 6/14/90, effective 7/15/90)

WAC 308-72-509 Bonding requirements. The bond may be in the form of a corporate surety bond pursuant to RCW 82.36.060, or in the form of lawful money of the United States in the amount so fixed by the department.

PROPOSED

The department may also accept certificates of deposit of lawful money of the United States in any of the following forms:

(1) Automatically renewable certificate(s) of deposit, not exceeding the federally insured amount, issued by a bank doing business in the state of Washington and insured by the Federal Deposit Insurance Corporation, made in the name of the licensee or applicant for the license, payable to or assigned to the Washington state treasurer; or

(2) Certificate(s) of deposit or share account, not exceeding the federally insured amount, issued by a savings and loan association doing business in the state of Washington and insured by the Federal Savings and Loan Insurance Corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

(3) Certificate(s) of deposit or share account, issued by a credit union doing business in the state of Washington and insured by the Washington Credit Union Share Guaranty Association, not exceeding the amount insured by the guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

The certificate and/or the assignment forms shall contain the provision that interest earned shall be payable to the depositor, and that the assignment may only be ~~((cancelled))~~ canceled upon written authorization of the director of licensing or the director's designee.

AMENDATORY SECTION (Amending Order PFT 88-003, filed 3/22/88)

WAC 308-72-512 Cancellation of ~~((distributor's))~~ license. A ~~((distributor))~~ license may be ~~((cancelled))~~ cancelled by the director under the following circumstances.

(1) Upon written request of the ~~((distributor))~~ licensee, such cancellation to become effective sixty days from the date of receipt of the written request of such ~~((distributor))~~ licensee for cancellation thereof.

(2) Upon investigation and sixty days notice if the director ascertains and finds that the person to whom the license is issued is no longer engaged in the ~~((business of a distributor,))~~ sale or distribution of motor vehicle fuel and has not been so engaged for the period of six months prior to such cancellation. A licensee whose sales or distributions of motor vehicle fuel at wholesale constitutes less than a substantial part of ~~((his/her))~~ the total volume of sales during a consecutive six month period ~~((, as disclosed by the licensee's monthly fuel tax reports,))~~ is considered no longer engaged in the business of a ~~((distributor))~~ licensee, and the ~~((distributor))~~ license must be ~~((cancelled))~~ canceled as provided in RCW 82.36.190.

(3) Upon failure to file a new bond or to make deposits (cash) in accordance with RCW 82.36.060, when surety requests to be released or discharged.

(4) Upon failure to file new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

AMENDATORY SECTION (Amending Order PFT 90-03, filed 6/14/90, effective 7/15/90)

WAC 308-72-540 Tax exempt transactions. (1) Exports. Exemption from the motor vehicle fuel tax may be claimed when a ~~((licensed distributor))~~ licensee delivers motor vehicle fuel:

(a) To a customer at a point outside the state by means of equipment owned and operated or completely controlled by the ~~((licensed distributor))~~ licensee.

(b) To a common or contract "carrier" for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the ~~((Washington licensed distributor))~~ licensee claiming the export actually and, in fact, retains title to and control over said fuel until actual delivery to its destination out of the state of Washington.

(c) To another ~~((Washington licensed distributor))~~ licensee at a destination outside the state. The delivering ~~((distributor))~~ licensee shall claim exemption by reason of export and shall report such transactions in the same manner as an export to any other customer.

(d) To another ~~((Washington licensed distributor))~~ licensee at a destination outside this state following a receipt from another ~~((licensed distributor))~~ licensee in this state. The ~~((licensed distributor))~~ licensee receiving the fuel in this state shall be deemed the exporter.

~~((e) Into the transportation equipment of a buyer or a common or contract carrier employed by the buyer if the buyer transports the fuel to a location in a foreign nation.))~~

(2) United States armed forces and National Guard. Exemption from the motor vehicle fuel tax may be claimed when a ~~((licensed distributor))~~ licensee delivers motor vehicle fuel:

(a) To the United States armed forces or National Guard under a government bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(d) Within the state in accordance with a credit or courtesy card issued to the United States armed forces or National Guard by a ~~((licensed distributor))~~ licensee provided that a delivery is made into the fuel tanks of ships operated by the United States armed forces or National Guard.

~~((e) No exemptions shall be granted for motor vehicle fuel sold to contractors acting as agents of the United States armed forces or National Guard for use in the performance of contracts with the United States armed forces or National Guard.~~

~~((3) Sales or distributions to other licensed distributors. Exemption from the motor vehicle fuel tax may be claimed~~

when a licensed distributor delivers motor vehicle fuel to another Washington licensed distributor in this state except no sale or distribution of motor vehicle fuel from one licensed distributor to another licensed distributor may be made free of motor vehicle fuel tax where the sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage. No exemption from motor vehicle fuel tax may be claimed where a sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage.

(4) Sales for immediate export out of the state by purchaser-

(a) Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor sells motor vehicle fuel in this state to a purchaser other than another licensed distributor, and the fuel is delivered into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state.

(b) The selling distributor must issue to the purchaser an invoice which shall contain at least the following details:

- (i) Name and address of seller;
- (ii) Name and address of purchaser;
- (iii) The date of delivery (month, day, and year);
- (iv) The location of the point of shipment, in words;
- (v) The place of delivery, in words, if different from shipping point;

(vi) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);

(vii) State or foreign jurisdiction of destination;

(viii) Name of product sold;

(ix) The quantity, in gallons, of product sold;

(x) The price per gallon and total amount charged; and

(xi) The statement: "Ex Washington State Fuel Tax."

(c) The original copy of the invoice must be furnished the purchaser; a copy of the invoice must be kept by the selling distributor as required by RCW 82.36.160 and WAC 307-72-560.

(d) For a licensee who is required to report, these sales shall be supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines. In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the schedule must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

AMENDATORY SECTION (Amending Order PFT 90-03, filed 6/14/90, effective 7/15/90)

WAC 308-72-542 Tax exempt sales to qualified personnel of foreign governments. (1) Tax exempt sales of motor vehicle fuel may be made by a ((licensed motor vehicle fuel distributor)) licensee, other than an exporter, to qualified foreign diplomatic and consular missions and their qualified

personnel ((by means of)) if the diplomatic, consular missions, and qualified personnel maintain tax exempt credit card accounts. The Office of Foreign Missions, United States Department of State, will determine who are qualified under existing federal treaties or agreements with foreign governments.

(2) Motor vehicle fuel purchased by cash is not tax exempt.

(3) The tax exempt credit card accounts may be obtained by foreign government personnel from oil companies through the Office of Foreign Missions of the United States Department of State, 3005 Massachusetts Avenue N.W., Washington, D.C. 20008, Attention: Gasoline Tax Exemption Program.

(4) ((Distributors)) Licensees issuing credit cards for the purchase of motor vehicle fuel, shall not accept credit card applications for diplomatic motor vehicle fuel tax exemption, unless the application is accompanied by Form DSP-99A, issued by the Office of Foreign Missions, United States Department of State, and approved by that office.

(5) Such sales shall be reported on the licensee's monthly tax return under "Sales to Qualified Foreign Government Personnel" and supported by an accompanying schedule showing the month of sale, the name of the foreign government personnel, and the quantity in gallons of motor vehicle fuel sold. Licensees, who are not required to submit monthly tax returns, may apply for a refund of the motor vehicle fuel tax previously paid on motor vehicle fuel sold tax exempt under this section.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-550 Tax exempt losses. (1) Motor vehicle fuel lost or destroyed in this state while being transported in the equipment of a ((licensed distributor)) licensee or in the equipment of a common or contract carrier for a ((Washington licensed distributor)) licensee shall be ((reported)) considered as a taxable distribution. Credit for ((the tax)) or a refund of the motor vehicle fuel tax paid may be taken when the ((licensed distributor)) licensee or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost provided the documents in support of the loss are submitted to the director for approval. Acceptable proof of loss shall ordinarily be understood to consist of:

(a) An affidavit by a person having actual knowledge of the loss, setting forth the origin and destination of the shipment, the circumstances surrounding the loss, the exact quantity of fuel lost, the exact quantity of fuel salvaged, the disposition of the salvaged fuel, and the procedure used in the determination of the quantity of fuel lost;

(b) A signed statement by a state patrol officer or official witness to the loss;

(c) A bill of lading or other shipping document;

(d) A statement by the ((licensed distributor)) licensee establishing his ownership of the fuel at time of loss;

(2) Loss of ((ex-tax)) motor vehicle fuel which has been proven lost or destroyed prior to distribution from a ((licensed distributor's)) licensee's bulk storage plant is allowable. Affidavits or other documentary evidence sub-

PROPOSED

stantiating losses shall be retained by the (~~license distributor~~) licensee. (~~Unproven~~) Unproved losses shall be considered as distribution subject to tax.

(3) (~~Exemption from the tax shall not be allowed on losses of tax paid fuel, losses from unlicensed bulk storage plants, or losses from storage tanks which are connected to retail outlets. A refund of the tax may be allowed for tax paid fuel lost or destroyed as provided in RCW 82.36.370.~~)

(4)) Charges for losses made to employees or agents of the (~~licensed distributor~~) licensee or to other persons who fail to satisfactorily account for fuel shall be invoiced inclusive of tax.

((5)) (4) Other losses shall be accounted for and supported by proof which clearly established their validity.

NEW SECTION

WAC 308-72-555 Delinquent account notification process. In this section, "distributor" means motor vehicle fuel distributor; and "supplier" means motor vehicle fuel supplier.

(1) When a distributor does not pay a supplier the motor vehicle fuel taxes which are due, the supplier must notify the department. The supplier must notify the department of the fuel tax delinquency no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or holiday, the supplier must notify the department on the next business day. The supplier must completely fill out the form that has been developed by the department for this purpose.

(2) The department's receipt of the completed notification form constitutes satisfactory evidence that the distributor has failed to pay the motor vehicle fuel taxes owed.

(3) When the distributor's license has been suspended for nonpayment of the motor vehicle fuel taxes due a supplier, the department will notify all suppliers of the suspension in one or more of the following ways:

(a) Posting notification of the suspension on the department's web site;

(b) Transmission of the notification via electronic mail or facsimile;

(c) Mailing of the notification via U.S. mail.

NEW SECTION

WAC 308-72-557 Refund for bad debt loss (other than a motor fuel supplier). (1) You may request a refund for tax paid on a worthless accounts receivable if you:

(a) Are a motor vehicle fuel importer, motor vehicle fuel blender, or motor vehicle fuel distributor; and

(b) Paid tax on an account found to be a worthless accounts receivable; and

(c) Charged off the amount for federal income tax purposes.

(2) The right to the tax refund arises during the month the account is reported as a bad debt on your federal income tax return. You may request the tax refund during any month within three years of the month in which you reported the bad debt. (For example, if you reported the bad debt in June

1999, you can request the tax refund in any month up to June 2002.)

(3) You must supply the department with a copy of the federal income tax return and a supporting schedule listing the bad debt as charged off. This is sufficient proof for the department to establish the validity of the tax refund.

(4) You cannot claim a tax refund for any portion of a debt which has been recovered, but is retained by or paid to a person as compensation in collecting the account. (For example, a collection agency.)

(5) If the purchaser of the motor vehicle fuel is indebted to you for other items, payments made by the purchaser must first be credited to the amount owed for the motor vehicle fuel and motor vehicle fuel tax, unless instructed otherwise by the purchaser. You must apply the amount collected ratably to the charges for the fuel and the tax.

(6) If you are a motor vehicle fuel importer or motor vehicle fuel blender, and you collect any motor vehicle fuel tax previously taken as a tax refund on a worthless accounts receivable, you must include that motor vehicle fuel tax in the tax return for the reporting period that motor vehicle fuel tax was collected in.

(7) If you are a motor vehicle fuel distributor, you must remit the motor vehicle fuel tax collected to the department no later than the last state business day of the month immediately following the month of collection. (For example, if you collected the tax in June 1999, you must remit the amount collected to the department by July 30, 1999.)

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-560 Records(~~—Distributors—Dealers—Brokers~~). (1) Every (~~licensed distributor~~) licensee and every dealer (~~and every broker~~) shall maintain a complete stock summary of the gallons of motor vehicle fuel handled each month which reflects inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month;

(b) Meter readings for pumps through which fuel is dispensed taken at the close of each calendar month;

(c) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel;

(d) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursements of fuel.

(2) All receipts into storage and withdrawals from storage shall be recorded at the storage facility at which made.

AMENDATORY SECTION (Amending Order PFT 90-03, filed 6/14/90, effective 7/15/90)

WAC 308-72-570 Invoices. (1) Every (~~licensed distributor and every broker~~) licensee shall issue an invoice at the time of each sale, distribution or use. An invoice is defined as: Any document, paper or electronic, evidencing the transfer of title to motor vehicle fuel (~~and which~~). If an

electronic invoice is issued, a paper copy of the invoice must be produced if required by the department or if submitted in support of a refund claim. Each invoice must include the following information:

- (a) The name and motor vehicle fuel tax license number of the ((distributor or broker)) licensee;
- (b) The name ((and)), address, and motor vehicle fuel tax number, if applicable, of the purchaser;
- (c) The date of delivery; (month, day and year)
- (d) The location of the point of shipment, in words;
- (e) The place of delivery, including the name of the state or Canadian Province, in words, if different from shipping point;
- (f) Customer's truck or common carrier when delivered thereto;
- (g) Name of product sold;
- (h) The quantity, in gallons, of product sold;
- (i) The price per gallon and total amount charged;
- (j) The statement "Ex Washington motor vehicle fuel tax" if exemption is claimed; ((and))
- (k) In the case of border or interstate sales where place of delivery may be different than purchaser's address, indicate, "state" where delivered, i.e., Washington delivery, Idaho delivery, Oregon delivery; and

(l) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

(2) Returns. When motor vehicle fuel is physically returned for credit or refund from a customer other than a dealer (service station) the ~~((licensed distributor)) licensee~~ may claim credit or request a refund for the tax previously paid if the original invoice is obtained from the customer and retained by the ~~((licensed distributor)) licensee~~. When the number of gallons returned is less than the quantity sold and when the customer desires to file claim for refund of tax on the unreturned portion, the ~~((licensed distributor)) licensee~~ shall obtain the refund copy of the delivery invoice and retain it in the tax files. In such cases, a new invoice may be issued for the unreturned portion, making reference to the original date of delivery and invoice number. If the ~~((licensed distributor)) licensee~~ is unable to obtain the customer's ~~((original))~~ invoice when motor vehicle fuel is physically returned, the ~~((licensed distributor)) licensee~~ receiving the fuel may obtain permission from the director to claim credit or refund for the tax without obtaining the ~~((original))~~ invoice after furnishing the name and address of the customer, name or location of the ~~((licensed distributor's)) licensee's~~ station making the sale, date and number of the delivery invoice, gallons delivered and gallons returned.

An invoice used to record a returned sale or billing adjustment resulting in a credit, must be clearly identified as a credit invoice by means other than circling of figures.

When circumstances require an invoice prepared at the time of delivery to be replaced by another, the new document must include all of the pertinent information shown on the first document including the date of transaction and any unique transaction codes or numbers identifying the first document.

(3) Own use, taxable. Fuel used in motor vehicles or for other taxable purposes by a ~~((licensed distributor)) licensee~~ or ~~((his))~~ an agent of the licensee shall be supported by an invoice or usage report covering the total fuel used at a particular plant during the month. If motor vehicle fuel is acquired from another ~~((licensed distributor)) licensee~~ or a dealer, the invoice shall be retained in the ~~((licensed distributor's)) licensee's~~ files and the purchase noted on the usage report.

(4) Own use, tax refundable. If motor vehicle fuel is used for a purpose subject to tax refund, the ~~((licensed distributor)) licensee~~ may claim credit or request a refund for such use ~~((on the statement))~~. In such case, the supporting invoices or ~~((usage report))~~ tax return shall clearly indicate the use as well as the equipment in which used.

AMENDATORY SECTION (Amending Order 470-DOL, filed 12/30/77)

WAC 308-72-610 Refund ~~((permit))~~ claim number. Any person desiring to claim a refund of the motor vehicle fuel tax shall make application for a refund ~~((permit))~~ claim number. The refund ~~((permit may))~~ claim number must be obtained before ~~((or at the time of))~~ filing a claim for refund and will be used for identifying subsequent refund claims.

NEW SECTION

WAC 308-72-615 Interest assessment on refund claims. Within thirty business days after receipt of a motor vehicle fuel tax refund claim, the department must issue a refund. If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day period begins on the date the properly filed and completed refund claim is received by the department. The postmark date on the envelope is not considered the received date for this purpose.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-620 Filing of claim. (1) A refund claim may be filed monthly, quarterly, annually or for whatever period of time the applicant desires except that such claim must be filed not later than the close of the last business day of a period thirteen months from the date of purchase of the motor vehicle fuel. The postmark date will be recognized as the date claim was filed for purposes of establishing the last business day of the period.

(2) ~~((In all cases a claim shall be accompanied by the original (top copy) invoice or invoices issued to the claimant by the seller of the fuel. (For exception see subsection (5) of WAC 308-72-630.) All invoices of fuel purchased during the claim period including fuel purchased for licensed motor vehicles must be submitted with each claim))~~ If your motor vehicle fuel tax refund claim is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim. The department may require you to submit copies of your purchase invoices to establish the validity of your refund claim.

(3) If electronic invoices were issued to the claimant, paper copies of the invoices must be submitted with the refund claim.

(4) Individuals must sign their own claims. A partnership claim may be signed by any one of the partners. Claims of business firms or corporations must be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided. Claims should be made out in the same name as that shown on the invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, attach a letter of authorization signed by the person to whom the invoice was issued.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-630 Invoice requirements, seller responsibility. (1) The seller of motor vehicle fuel is required to issue to each purchaser who claims to be entitled to a refund separate invoices for each purchase of fuel (~~on invoice forms approved by the director~~). Each invoice must be (~~the original~~) issued at the time of purchase. (~~An original invoice for the purpose of supporting a claim for refund of the motor vehicle fuel tax is the top copy of a set of invoices prepared simultaneously by hand or machine.~~) Each invoice in support of a claim for refund must show:

- (a) Name and address of the seller;
- (b) (~~Purchaser's name and address (invoices showing cash, boat number, equipment name or number, etc. will not qualify). Address not necessary on credit card invoices;~~)
- (~~e~~) Kind or type of fuel and number of gallons delivered;
- (~~d~~) (c) Complete date of sale (month, day and year).

(2) A single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by subsection (1): *Provided*, each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of said subsection (1) for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which tax is claimed as refundable and the nonrefundable deliveries and gallons.

(3) Invoices which indicate alterations, corrections or erasures shall be void and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the original invoice. If an electronic invoice was issued, then a paper copy of the electronic invoice must be submitted.

(5) (~~Credit card invoice forms shall be issued only when a purchaser holds a valid credit card. Such forms shall not be used to invoice cash sales. The original (top copy) credit card~~

invoice is the only one acceptable for refund except as provided in subsection (6).

(6) ~~In extenuating circumstances, copy invoices will be accepted. Each copy must bear a statement signed by the dealer that it is a certified or true copy of the original. In all cases the reason for use of copy invoices must be given. Payment of refund based upon such duplicate or copy invoices will not be made until after expiration of the thirteen month period specified in RCW 82.36.330.~~

(7) If an (~~original~~) invoice is lost or destroyed, the (~~dealer or distributor~~) seller may issue a duplicate copy entering thereon the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the (~~original~~) first invoice. The copies shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy for validation. The validated copy will be returned to the claimant who, when the thirteen month time limit has elapsed for the copy, may submit it with a separate claim for refund showing the refundable and nonrefundable usage of the fuel.

(~~8~~) (6) Sellers of fuel shall not issue two (~~original~~) invoices, one each on a different form for the same delivery of fuel. Only one (~~original~~) invoice shall be issued for any one delivery.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-640 Records. Each claimant shall maintain records which are sufficient to substantiate the accuracy of the claim. Such records shall reflect all motor vehicle fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to accede to a demand for examination of them constitutes a waiver of all rights to the refund. If the claimant maintains electronic invoices, paper copies of these invoices must be produced, upon demand of the department.

The following rules shall govern records maintained to support claims for refund:

(1) Use of fuel from common storage. Fuel purchased and delivered into bulk storage for use in vehicles required to be registered and licensed to operate on the public roads and for nonhighway use, must be fully accounted for by detail withdrawal records to accurately show the manner in which used. This record must be available for inspection upon request. Any fuel on hand (by actual measurement) should be indicated on the claim as closing storage inventory and should be reported as an opening storage inventory on the next claim. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim which established the inventory. All invoices for the total fuel purchased must be submitted with each claim unless the amount of the claim is one hundred dollars or less. (For exception see subsection (5) of this section.) (~~A BULK STORAGE RECEIPT AND DISBURSEMENT RECORD~~) A

bulk storage receipt and disbursement record form designated for recording purchases and withdrawals of fuel from bulk storage will be furnished free upon request.

(2) Use of fuel from separate storage. Where separate bulk storage tanks are maintained for nonhighway use and for public road use, seller should mark the invoices at the time of delivery identifying the storage into which the fuel was delivered. No further detailed record will be required. Inventories must be reported and all invoices must be submitted. ~~((FUEL MAY NOT BE USED))~~ Fuel may not be used from the nonhighway tank in motor vehicles required to be registered and licensed. To do so will invalidate this method of determining refundable gallonage.

(3) Use of fuel from restricted use storage. Special storage facilities in the woods or farm fields or for other uses for certain periods should be identified and explained. If such storage is used entirely for nonhighway purposes and not used in motor vehicles required to be registered and licensed, no other record will be required. Purchase invoices showing delivery into such storage must be submitted and inventory at end of claim period should be reported.

(4) Fuel purchased for other than bulk storage. Fuel purchased in small containers for nonhighway use (boats, tractors, power saws, etc.) should be identified on the purchase invoice and no further record will be required.

(5) Proof of public road use. When no ~~((NONREFUNDABLE))~~ nonrefundable use deduction is made from invoices attached to the claim, claimant shall retain taxable invoices in ~~((his))~~ files and be prepared to substantiate fuel used in motor vehicles required to be registered and licensed upon request.

(6) Where a claim covering the operation of an unregistered or unlicensed motor vehicle is entirely over private roads or property subject to refund, no record will be required other than that necessary to show the source and number of gallons of fuel used.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-650 Refunds to dealer delivering fuel exclusively for marine use. (1) Marine dealers may file claim for refund when motor vehicle fuel is delivered directly into the fuel tanks connected to the engine of any marine vessel owned or operated by the purchaser of the fuel, but only if the person to whom the fuel is sold is a holder of a valid motor vehicle fuel tax refund ~~((permit))~~ claim number at the time of sale. The dealer should request purchaser to exhibit ~~((his))~~ the refund ~~((permit))~~ claim number at the time of delivery. A claim for refund shall be supported by:

(a) ~~((Original (top copy)))~~ Invoices covering fuel deliveries into the dealer's storage facilities. ~~((Licensed distributors who are also marine dealers will not be required to submit purchase invoices.))~~

(b) ~~((Original (top copy)))~~ Invoices covering tax exempt sales of motor vehicle fuel. These invoices shall, in addition to the applicable invoice requirements of WAC 308-72-630, contain:

- (i) The vessel or boat name;
- (ii) The Coast Guard or official number;
- (iii) The applicable sales tax;

(iv) Purchaser's motor vehicle fuel tax refund permit number;

(v) The statement "Ex Washington motor vehicle fuel tax."

(2) The dealer shall also file an exemption certificate containing a certificate signed by the purchaser that the fuel will be used solely for marine use. In lieu of a separate certificate, the dealer may imprint an exemption certification on his original sales invoices provided such form has been approved by the director.

~~((3) Chapter 183, Laws of 1971 ex. sess., provides that one cent per gallon shall be deducted from each marine use refund claim to be deposited in the coastal protection fund.))~~

AMENDATORY SECTION (Amending WSR 94-11-055, filed 5/10/94, effective 6/10/94)

WAC 308-72-660 Power take-off use. (1) Tax refund may be claimed for fuel used in a motor vehicle which is equipped with a power take-off unit to operate auxiliary equipment provided that the fuel used for power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway or if the fuel used to operate the auxiliary equipment by the power take-off is accurately measured by a metering device that has been specifically approved by the director, and, in certain motor vehicles, when established by the following formula:

(a) For gasoline used in pumping fuel oil or heating oil by means of a power take-off unit on a delivery truck at the rate of three-fourths of one gallon for each one thousand gallons of fuel or heating oil delivered. ~~((Pumping of gasoline or other refined petroleum products does not apply and claimant shall make a deduction for those products, other than fuel oil, pumped through the meter, pumping out of tanks, testing of meters or other uses. FUEL OIL DELIVER TRUCK OPERATORS.))~~ Fuel oil delivery truck operators must maintain records which show the total gallons of fuel oil or heating oil pumped by each vehicle for which refund is claimed together with supporting meter readings.

(b) For gasoline used in operating a power take-off unit on a cement mixer truck or for gasoline used in operating a power take-off unit which operates a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of gasoline used in each truck. Garbage trucks with power take-off units which operate only a dump box, hoist or other type of lift shall not apply. ~~((CEMENT MIXER TRUCK AND GARBAGE TRUCK OPERATORS))~~ Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles operated for each vehicle.

(c) For gasoline used in operating a power take-off unit on any of the vehicles listed herein when direct measurement is not feasible, at the rate specified as a percentage of the total taxable fuel used by the vehicles:

Fire trucks (private)	25%
Mobile cranes	25%
Sanitation trucks	25%

PROPOSED

PROPOSED

Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%
Salt spreader on dump truck	15%
Seeder truck	15%
Semi-wrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

If a claimant can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case by case basis.

(2) All claims must be accompanied by valid purchase invoices to cover the total gallons of gasoline purchased, except that invoices for gasoline used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

(3) If fuel is used from bulk storage, claimant shall maintain a detailed record of all receipts, withdrawals, and beginning and ending inventories to substantiate fuel used in motor vehicles.

(4) A schedule of vehicle operations shall support each claim for refund.

AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-670 Auxiliary engines. Tax refund may be claimed for fuel used in auxiliary engines mounted on a licensed motor vehicle (ready mix concrete, refrigeration or air conditioning units, etc.) if the fuel for the auxiliary engine is supplied from a fuel tank other than the fuel tank which supplies the engine propelling the vehicle, or is accurately

measured by a metering device that has been specifically approved by the director. Estimates for refundable use will not qualify for refund. When separate tanks are used, claimant shall maintain a detailed record of the gallons of fuel used and purchase invoices covering the total gallons of fuel used in both tanks must accompany the claim if the claim amount is greater than one hundred dollars. The department may require you to submit copies of your invoices to establish the validity of your refund claim.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-72-502	Sale or distribution at wholesale.
WAC 308-72-504	Bona fide wholesale merchant.
WAC 308-72-508	Requirements to qualify for a motor vehicle fuel distributor license.
WAC 308-72-520	Reports.
WAC 308-72-530	Import deliveries.
WAC 308-72-600	Tax refund.

AMENDATORY SECTION (Amending WSR 94-11-029, filed 5/9/94, effective 6/9/94)

WAC 308-77-010 Definitions. (1) "Highway" includes a way or place of whatever nature within the exterior boundaries of the state including a way or place within a federal area publicly maintained and open to the use of the public for purposes of vehicular travel notwithstanding private participation in the maintenance of the way or place. It shall be presumed that the way or place is dedicated and accepted as a highway when it is recognized as a part of its maintained highway system by a proper public authority.

A way or place within a national or state forest which is entirely privately constructed or maintained will not be considered a highway, notwithstanding the fact that it may be declared by the public authority to be a part of its road system.

A way or place is not a highway during such times as it is closed by the governmental authority to the use of the public regardless of the purpose for which it is closed. A highway is open to the use of the public if vehicular travel is permitted although subject to traffic controls.

Roads maintained exclusively by the United States within a national park are subject to the control of the Secretary of the Interior. When, in the exercise of that control, a permit and payment of a fee are required for the use of such roads, they are not highways open to the use of the public.

(2) "Special fuel" means that definition given in RCW 82.38.020(23) and includes diesel fuel, propane, natural gas and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of

power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by the motor vehicle fuel tax law, chapter 82.36 RCW. Four and one-quarter pounds of propane or one hundred cubic feet of natural gas shall be deemed the equivalent of one liquid gallon.

(3) "Publicly owned fire fighting equipment" means fire fighting equipment owned by any agency of the state of Washington, or by any city, town, county, or fire protection district of Washington state, and shall include fire engines, aid cars, ambulances, and vehicles used to transport fire fighting personnel to the fire scenes.

(4) "Farmer" means any person, firm, partnership or corporation engaged in the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations.

(5) "Logging company" means any person, firm, partnership or corporation engaged in the business of cutting and taking of timber.

(6) "Construction company" means any person, firm, partnership or corporation who or which is engaged in the business of a contractor.

(7) "Contractor" is any person, firm or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding.

(8) "Export" means to obtain special fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the special fuel tax, special fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country and the exporter must be licensed or registered, if required, in the state, province, or country of destination.

(9) "Special fuel supplier" means a person who is licensed and:

(a) Owns and stores special fuel within the bulk transfer/terminal system, including special fuel in a terminal facility; or

(b) Refines and stores special fuel at a refinery.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-020 Incidental use/exemptions. An operation is not considered to be on a highway when a vehicle is operated thereon only for the purpose of moving between two pieces of private property when the vehicle is not operated for a distance exceeding fifteen miles on the

highway and the moving is incidental to the primary use of the motor vehicle.

If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway does not exceed one mile.

A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one place to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

The user shall maintain adequate accurate records of the operation off the highway including the miles traveled and fuel used to establish to the satisfaction of the department that the user is entitled to exemption for off-highway use of fuel. Claims based on estimates or percentages of miles traveled, hours of operation, fuel used, etc. will not be accepted to support claims for off highway use.

To qualify for a tax exemption for special mobile equipment as defined in RCW 46.04.552:

(1) Miles driven must be within the confines of a contract while actually engaged in work on the project; and

(2) You must provide positive means of measuring or determining the exact mileage between jobs or home base and off-highway and incidental mileage.

You cannot claim a tax exemption for mileage covered when units are moved from one project to another or returned to the base of operations. For these instances, you must be covered by a special fuel tax trip permit.

AMENDATORY SECTION (Amending WSR 92-01-014, filed 12/6/91, effective 1/6/92)

WAC 308-77-040 Issuance of license. ~~((A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.~~

~~A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 distillates capable of being used as vehicle fuel as required by the department.~~

A) An International Fuel Tax Agreement license or dyed special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's principal place of business and a reproduced copy thereof shall be carried in each motor vehicle entering this state from another state or province. A spe-

cial fuel tax trip permit may be purchased by a special fuel user entering this state in lieu of ~~((a special fuel))~~ an International Fuel Tax Agreement license. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators of vehicles having two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds, or having three or more axles regardless of weight, or a combination of vehicles, when the combination exceeds twenty-six thousand pounds gross vehicle weight, will require ~~((a special fuel))~~ an International Fuel Tax Agreement license or a special fuel tax trip permit to enter this state.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-050 Cancellation or revocation of license. When a special fuel ~~((supplier, dealer or user))~~ licensee ceases operation in Washington, ~~((he))~~ the licensee shall request cancellation of ~~((his))~~ the license. The original license issued to ~~((him))~~ the licensee and a final tax ~~((report))~~ return, if the licensee was required to file tax returns, shall be forwarded to the department with a remittance of any tax, penalty and interest which may have accrued up to and including the date of cancellation. All copies of the license, special authorizations, and identification cards issued by the department shall be destroyed. ~~((All special fuel authorizations and identification cards issued to the special fuel user shall be returned to the department.))~~

When the license of a ~~((special fuel supplier, dealer or user))~~ licensee is revoked by the department, the holder shall surrender the original license ~~((and all))~~ and any special authorizations and identification cards to the department. All copies of the license, special fuel authorizations, and identification cards issued ((to him. All copies of the license)) by the department shall be destroyed.

Any attempt to use a license that has been canceled or revoked will be considered a violation of the Special Fuel Tax Act and the ~~((supplier, dealer, or user))~~ person using the canceled or revoked license shall be subject to the penalty provisions thereof.

NEW SECTION

WAC 308-77-091 Electronic fund transfers. If you are paying your special fuel tax by electronic funds transfer, and the due date for payment of the special fuel tax falls on a Saturday, Sunday, or legal holiday, you must transfer the funds by the last state business day immediately preceding the due date. (For example, if the payment is due on Saturday, April 10, 1999, you must transfer the funds by April 9, 1999.)

AMENDATORY SECTION (Amending WSR 94-11-029, filed 5/9/94, effective 6/9/94)

WAC 308-77-095 Minimum tax payment. Each tax return that declares a tax liability of five dollars or less need not make remittance; conversely, each tax return that claims

a refund or credit of ~~((five))~~ ten dollars or less will not be allowed.

A computation error on the tax return which results in additional tax liability in the amount of five dollars or less will be accepted without further collection action. Similarly, a computation error on the tax return which results in a credit of ~~((five))~~ ten dollars or less will not be refunded nor credited to the licensee.

NEW SECTION

WAC 308-77-105 Refund for bad debt loss (other than a special fuel supplier). (1) You may request a refund for tax paid on a worthless accounts receivable if you:

(a) Are a special fuel importer, special fuel blender, or special fuel distributor; and

(b) Paid tax on an account found to be a worthless accounts receivable; and

(c) Charged off the amount for federal income tax purposes.

(2) The right to the tax refund arises during the month the account is reported as a bad debt on your federal income tax return. You may request the tax refund during any month within three years of the month in which you reported the bad debt. (For example, if you reported the bad debt in June 1999, you can request the tax refund in any month up to June 2002.)

(3) You must supply the department with a copy of the federal income tax return and a supporting schedule listing the bad debt as charged off. This is sufficient proof for the department to establish the validity of the tax refund.

(4) You cannot claim a tax refund for any portion of a debt which has been recovered, but is retained by or paid to a person as compensation in collecting the account. (For example, a collection agency.)

(5) If the purchaser of the special fuel is indebted to you for other items, payments made by the purchaser must first be credited to the amount owed for the special fuel and special fuel tax, unless instructed otherwise by the purchaser. You must apportion the amount collected between the charges for the fuel and the tax.

(6) If you are a special fuel importer or special fuel blender, and you collect any special fuel tax previously taken as a tax refund on a worthless accounts receivable, you must include the special fuel tax in the tax return for the reporting period the special fuel tax was collected in.

(7) If you are a special fuel distributor, you must remit the special fuel tax collected to the department no later than the last state business day of the month immediately following the month of collection. (For example, if you collected the tax in June 1999, you must remit the amount collected to the department by July 30, 1999.)

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-110 Allowance of credit or refund of tax paid. The tax paid either directly to the department or to a special fuel ~~((dealer))~~ licensee in this state may be applied by the ~~((user))~~ special fuel licensee as a credit or refund

against the tax due (~~from him~~) on all fuel used in this state in the month or reporting period in which the fuel, with respect to which the tax was paid, was used.

The amount of credit or refund allowable is the amount of tax shown on the invoices issued by special fuel (~~dealers to the user~~) licensees to the receiving special fuel licensee. To be entitled to the credit or refund, the (~~user~~) special fuel licensee shall retain in (~~his~~) records for inspection by the department all invoices given by special fuel (~~dealers~~) licensees showing the amount of tax paid and evidence of payment. Should the (~~user~~) special fuel licensee accumulate surplus credits or refundable amounts which have not been applied to payment of (~~his~~) the tax liability or if (~~he~~) the special fuel licensee ceases to be a (~~user~~) licensee in this state, (~~he may file~~) a claim for refund as provided in RCW 82.38.180 and 82.38.190 may be filed. All claims for refund of overpayments shall be accompanied by the invoices obtained by the (~~user~~) purchasing special fuel licensee from the selling special fuel (dealer) licensee.

NEW SECTION

WAC 308-77-115 Delinquent account notification process. (1) When a distributor does not pay a supplier the special fuel taxes which are due, the supplier must notify the department. The supplier must notify the department of the fuel tax delinquency no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or holiday, the supplier must notify the department on the next state business day. The supplier must completely fill out the form that has been developed by the department for this purpose.

(2) The department's receipt of the completed notification form constitutes satisfactory evidence that the distributor has failed to pay the special fuel taxes owed.

(3) When the distributor's license has been suspended for nonpayment of the special fuel taxes due a supplier, the department will notify all suppliers of the suspension in one or more of the following ways:

- (a) Posting notification of the suspension on the department's web site;
- (b) Transmission of the notification via electronic mail or facsimile;
- (c) Mailing of the notification via U.S. mail.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-150 Records, receipts and invoices. Every (~~special fuel supplier, dealer and user~~) licensee and every person importing, manufacturing, refining, dealing in, transporting or storing special fuel shall maintain a complete record of all sales or other dispositions including special fuel used by them, inventories, purchases, receipts, tank gaugings or meter readings of special fuels the use of which is subject to the special fuel tax. Each special fuel user shall obtain from (~~the~~) a special fuel (~~dealer~~) licensee an invoice for each delivery of special fuel into the fuel supply tank or tanks of each vehicle operated (~~by him~~) and for each delivery into (~~his~~) bulk storage tank or tanks. The invoices shall include

the information specified for sales invoices and shall be filed and identified in a systematic manner so that they may be readily traced into (~~his~~) purchase or expense records and into (~~his~~) reports to the department. Such records, receipts and invoices shall be made available for inspection by the department or its authorized representatives and shall be maintained for a period of not less than (~~three~~) five years. If electronic invoices are maintained, then a paper copy of the invoice must be produced upon demand of the department. A lessor of a vehicle who is a special fuel user shall also maintain records of each trip and the mileages (~~his~~) the lessor's vehicle is operated by the lessee within and without the state of Washington. A lessor who is a special fuel user must obtain from the lessee, and retain in (~~his~~) the lessor files, the original copy of all invoices substantiating claims by the lessor for purchases of fuel upon which the special fuel tax was paid.

The recordkeeping requirements of this section also apply to dyed special fuel which is:

- (1) Purchased and used by licensed dyed special fuel users; and
- (2) Authorized for use on the highway.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-160 Sales invoices. Special fuel (~~suppliers and dealers~~) licensees shall prepare a serially numbered invoice for each sale of fuel whether the fuel is sold for use in motor vehicles or for other uses. A single invoice covering multiple deliveries of fuel made during a period of time not to exceed a calendar month may constitute an invoice of sale. (~~When repeated sales are made of small quantities of special fuel exempt from the tax under RCW 82.38.080, such as heating oil in hand-carried containers, and the customer does not want an invoice, a ledger may be kept with a separate line entry for each sale indicating date, number of gallons, amount of sale, and purpose for which the special fuel is to be used.)~~ If the multiple delivery invoice includes tax exempt deliveries (~~either~~) into a bulk storage facility (~~or into fuel supply tanks of motor vehicles with respect to which the special fuel dealer is excused from collecting the tax as provided in rule WAC 308-77-060;~~) of an authorized International Fuel Tax Agreement licensee and deliveries into the fuel supply tanks of motor vehicles upon which the tax is required to be collected, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallonage upon which the tax is collected and the tax (~~exempt~~) deferred deliveries and gallonage. (~~The~~) An original or electronic invoice shall be delivered to the purchaser and a copy thereof shall be retained by the special fuel (~~supplier or dealer~~) licensee. If an electronic invoice is issued, then a paper copy of the invoice must be produced upon demand of the department.

A sales invoice shall contain the following information:

- (1) The name and (~~address of the special fuel supplier or special fuel dealer~~) special fuel tax license number of the licensee;
- (2) The name, address, and special fuel tax license number, if applicable, of the purchaser (~~with respect to:~~

PROPOSED

- ~~(a) A charge or credit sale.~~
- ~~(b) A cash sale when the purchaser desires to claim a refund of the special fuel tax.~~
- ~~(c) A cash sale when the quantity of fuel delivered into the fuel supply tank of a motor vehicle is 25 gallons or more.~~
- ~~(3) The special fuel license number of the purchaser, or other authority, as defined within WAC 308-77-060, if the special fuel tax is not collected on the sale.));~~
- ~~((4)) (3) The date of ((sale)) delivery (month, day and year)((-));~~
- ~~((5) The number of gallons of fuel sold, the price per gallon and the total amount of the sale.~~
- ~~(6)) (4) The location of the point of shipment, in words;~~
- ~~(5) The place of delivery, including state or foreign jurisdiction, in words, if different from shipping point. In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place;~~
- ~~(6) Purchaser's method of transporting fuel: either customer equipment, common carrier, (if by common carrier, common carrier name), barge, railcar, or pipeline;~~
- ~~(7) Name of product sold;~~
- ~~(8) The quantity of product sold, in gallons;~~
- ~~(9) The price per gallon and total amount charged;~~
- ~~(10) The amount of the special fuel tax collected;~~
- ~~(11) The statement "Ex Washington special fuel tax" if exemption is claimed.~~

The amount of the tax need not be separately stated if the invoice bears the notation that the price includes the special fuel tax. Billing systems for any type of dispenser of special fuel that uses a magnetic or other form of card identification must be approved by the department to assure that prospective refund claimants are provided with sufficient information to support their claims.

AMENDATORY SECTION (Amending Order PFT 90-04, filed 6/14/90, effective 7/15/90)

WAC 308-77-165 ((Invoices for)) Export sales. ((A sale is considered for export under RCW 82.38.030(2) when a licensed special fuel dealer sells special fuel in this state to a purchaser who is not a licensed special fuel user or special fuel dealer, and the fuel is delivered into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state.

The selling special fuel dealer must issue to the purchaser an invoice which shall contain at least the following details:

- (1) Name and address of seller;
- (2) Name and address of purchaser;
- (3) The date of delivery (month, day, and year);
- (4) The location of the point of shipment, in words;
- (5) The place of delivery, in words, if different from shipping point;
- (6) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);

- ~~(7) State or foreign jurisdiction of destination;~~
- ~~(8) Name of product sold;~~
- ~~(9) The quantity, in gallons, of product sold;~~
- ~~(10) The price per gallon and total amount charged; and~~
- ~~(11) The statement: "Ex Washington State Fuel Tax."~~

~~The original copy of the invoice must be furnished the purchaser and a copy of the invoice must be kept by the selling special fuel dealer.~~

These)) (1) Export sales shall be reported as "export sales, exported by purchaser" and supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state or foreign jurisdiction of destination. This Schedule 10 should be submitted with the tax report. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-190 Audit appeal procedure. Any person having been issued a notice of assessment of additional taxes, delinquent taxes, penalties, or interest and desiring to contest such notice may petition the department of licensing for a reassessment by formal hearing or may petition for a reassessment conference in lieu of proceeding directly to a formal hearing. All petitions for reassessment must be in writing and must be received by the department of licensing within thirty days after the receipt of the original notice of assessment. All petitions filed shall set forth the specific reasons why reassessment is sought and the amount of tax, interest, and penalties which the petitioner believes to be due.

Upon receipt of a petition for a reassessment conference, the department will establish the time and place for the conference and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner, for good and compelling reasons, is unable to attend the conference on the date or time scheduled, he may request the department in writing to reschedule the conference. At the conference the department of licensing will be represented by the administrator of ((the)) prorate and fuel tax ((division)) services, the ((assistant administrator)) licensing services manager for fuel tax, the field audit supervisor, the field auditor who performed the audit if appropriate, an attorney from the office of the attorney general, or either of them. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person competent to present his case.

Following the conference, the administrator will make such determination as may appear to him just and lawful and in accordance with the Revised Code of Washington and rules, principles, and precedents established by the department of licensing, and shall notify the petitioner in writing of his decision. The determination of the administrator shall be

deemed to represent the official position of the prorate and fuel tax division of the department of licensing and shall be binding upon the petitioner unless further appealed.

If the petitioner believes that an error has been made in the determination by the administrator, ~~((he))~~ the petitioner may, within ten days after the date of receipt of the determination, appeal in writing and request a formal hearing by a hearing officer. The appeal shall indicate the portions of the determination which the petitioner feels are in error and set forth ~~((his))~~ the reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days notice of the time and place thereof.

The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner of notice thereof.

All petitions and correspondence relating to appeal conferences and hearings will be addressed to Department of Licensing, Administrator, Prorate and Fuel Tax ~~((Division, Highways License Building))~~ Services, P.O. Box 9036, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-220 Filing of refund claim. A claim may be filed monthly, quarterly, annually or for any period of time within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount is due. For purposes of this section, the postmark date shall be accepted as the date the claim was filed.

Claims shall be accompanied by invoices issued to the claimant by the seller of the fuel. If your refund claim is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim. The department may require you to submit copies of your purchase invoices to establish the validity of your refund claim. Claims of individuals or proprietors shall be signed by the claimant. A partnership claim must be signed by any one of the partners. Claims of business firms or corporations shall be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided on the form. A claim should be filed in the same name as that shown on invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, a letter of authorization shall be attached signed by the person to whom the invoice was issued.

The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of refund claimed. The claimant may calculate the tax ~~((himself))~~ or it will be computed by the department.

NEW SECTION

WAC 308-77-225 Interest assessment on refund claims. Within thirty business days after receipt of a special fuel tax refund claim, the department must issue the refund. If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day

period begins on the date the properly filed and completed refund claim is received by the department. The postmark date on the envelope is not considered the received date for this purpose.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-230 Invoice requirements for refund purposes. (1) The seller of special fuel is required to issue to each purchaser who claims to be entitled to a refund a separate original or electronic invoice for each purchase of fuel. A single ~~((original))~~ invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as provided in WAC 308-77-160. Each delivery is to be individually listed on the ~~((original))~~ invoice or on an accompanying statement in accordance with the requirements of the rule for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the ~~((original))~~ invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which a refund of the tax is claimed and is not claimed. You may submit copies in lieu of the original invoice in support of a claim for refund. If an electronic invoice is issued, then a paper copy of the invoice must be produced if required by the department.

(2) Each ~~((original))~~ invoice in support of a claim for refund must show:

(a) Name and address of the seller,

(b) Purchaser's name (invoices showing "cash," "equipment name or number," "boat number," etc. will not qualify),

(c) Complete date of sale (month, day and year),

(d) Kind of fuel delivered,

(e) Number of gallons delivered,

(f) Price per gallon,

(g) Total amount of sale,

(h) Amount of special fuel tax paid. The amount of the tax paid need not be separately stated if the invoice bears the notation that the price includes the tax.

(3) Invoices with alterations, corrections or erasures affecting gallonage, place, date or separately stated tax shall be void and will not be accepted. A claimant who submits an invoice that has been altered that may give the claimant an illegal gain may have the entire claim invalidated and the department may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the ~~((original))~~ invoice received at time of purchase.

(5) If an ~~((original))~~ invoice is lost or destroyed, the ~~((dealer))~~ seller may issue a copy or duplicate ~~((copy))~~ entering thereon the invoice number, date of sale, gallons, price and amount and any other essential information that appeared on the initial invoice. The copy or duplicate shall be certified by the seller as being true and correct according to ~~((his))~~ the seller's records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy to the department for validation.

(6) Only one invoice shall be issued for any one delivery.

AMENDATORY SECTION (Amending WSR 94-11-029, filed 5/9/94, effective 6/9/94)

WAC 308-77-250 Power take-off use. (1) Tax refund may be claimed for special fuel purchased inclusive of tax which is used in a motor vehicle equipped with a power take-off unit to operate auxiliary equipment provided the fuel used for the power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway, or the fuel used to operate auxiliary equipment by the power take-off is accurately measured by metering device that has been specifically approved by the department, and in certain motor vehicles, when established by the following formula:

(a) For special fuel used in pumping propane, fuel or heating oils, or milk picked up from a farm or dairy storage tank by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered or milk picked up. ~~((Pumping of gasoline, or other refined petroleum products or any other product, is a taxable use and does not qualify for a refund.))~~ Propane and fuel oil delivery truck operators must maintain records which show the total gallons of propane, or fuel or heating oils pumped by each vehicle for which refund or credit is claimed together with supporting meter readings.

(b) For special fuel used in operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in each truck. Garbage trucks with power take-off units which operate a dump box, hoist or other type of lift do not qualify for a refund. Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles traveled for each vehicle.

(c) For special fuel used in operating a power take-off unit when direct measurement is not feasible on the following vehicles at the rates specified as a percentage of the total taxable fuel used by the vehicles:

Fire trucks (private)	25%
Mobile cranes	25%
Sanitation trucks	25%
Sewer cleaning truck/jet vactor	25%
Super suckers	25%
Line truck with digger/derrick or aerial lift	20%
Log truck with self loader	20%
Refrigeration trucks	20%
Sweeper trucks (must be motor vehicle)	20%
Boom truck/block boom	15%
Bulk feed truck	15%
Dump trailers	15%
Dump trucks	15%
Hot asphalt distribution truck	15%
Leaf truck	15%
Lime spreader	15%
Pneumatic tank truck	15%

Salt spreader on dump truck	15%
Seeder truck	15%
Semi-wrecker	15%
Service truck with jack hammer/drill	15%
Snow plow	15%
Spray truck	15%
Tank transport	15%
Tank trucks	15%
Truck with PTO hydraulic winch	15%
Wrecker	15%
Car carrier with hydraulic winch	10%
Carpet cleaning van	10%
Others	7.5%

If any special fuel user can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(2) Deduction may be claimed on the user's tax report for the gallons of special fuel exempt from tax as provided in subsections (1)(a), (b) and (c) of this section.

(3) All claims in excess of one hundred dollars must be accompanied by purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in propane or fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. The department may require you to submit copies of your purchase invoices to establish the validity of your refund claim.

(4) A schedule of vehicle operations shall support each claim for refund.

AMENDATORY SECTION (Amending Order 114 MV, filed 11/26/71)

WAC 308-77-260 Auxiliary engines. Tax refund may be claimed for special fuel purchased inclusive of tax which is used in auxiliary engines mounted on a licensed motor vehicle (ready-mix concrete, refrigeration or air conditioning units, etc.) if the fuel for the auxiliary engine is supplied from a fuel tank other than a fuel tank which supplies the engine propelling the vehicle or is accurately measured by a metering device that has been specifically approved by the department. Estimates for refundable use will not qualify for refund when separate tanks are used. Claimant shall maintain a detailed record of the gallons of fuel used. Invoices covering the total gallons of fuel used in both taxable and nontaxable tanks must accompany the claim if the claim amount is greater than one hundred dollars. The department may require you to submit copies of your invoices to establish the validity of your refund claim.

REPEALER

The following sections of the Washington Administrative Code are repealed:

PROPOSED

WAC 308-77-032	Special fuel dealer's license.
WAC 308-77-034	Special fuel user's license.
WAC 308-77-042	Special fuel user bond.
WAC 308-77-044	Bonding requirements.
WAC 308-77-060	Special fuel dealers' liability for the tax.
WAC 308-77-070	Exemptions.
WAC 308-77-100	Credit for bad debt losses of special fuel dealers.
WAC 308-77-120	Tax reports.
WAC 308-77-125	Tax rate change.
WAC 308-77-130	Ten day reports and payments by special fuel dealer.

WSR 98-18-065
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Orthotics and Prosthetics)
 [Filed August 31, 1998, 4:16 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-22-025.

Title of Rule: WAC 246-850-010 Definitions, this section contains the definition of "maintenance of an orthosis or prosthesis."

WAC 246-850-020 Requirements for licensure, requires a bachelor degree in orthotics or prosthetics from an approved school, a residency of at least 1900 hours and successful completion of the required examination.

WAC 246-850-030 Application requirements, sets forth the documentation required to substantiate that the applicant meets the requirements for licensure.

WAC 246-850 [246-850-050] Approved internship or residency requirement, requires completion of at least 1900 hours for each discipline for which a license is sought. Training must be completed under qualified supervision in an established facility. RCW 18.200.050(5), 18.200.070 (1)(c).

WAC 246-850-080 Inactive credential, adoption by reference of chapter 246-12 WAC, Part 4.

WAC 246-850-090 Retired active credential, adoption by reference of chapter 246-12 WAC, Part 5.

WAC 246-850-100 Licensure without examination, sets forth the experience and application requirements for licensure without examination.

WAC 246-850-110 Approval of orthotic and prosthetic educational programs, includes the approval and curriculum requirements for O&P programs.

WAC 246-850-120 Withdrawal of program approval, sets forth the circumstances that would result in withdrawal of program approval.

WAC 246-850-990 Orthotic and prosthetic fees, sets forth the fees for licensure, renewal or relicensure, inactive and retired status, duplicate credentials and certification.

Purpose: To implement chapter 18.200 RCW enacted by the legislature in 1997.

To protect the consumers of Washington from physical and financial harm by assuring that practitioners are qualified to provide orthotic and prosthetic services. The proposed rules set forth specific minimum requirements that must be met by applicants for licensure. These proposed rules also set forth the process by which a license may be renewed and set fees.

Statutory Authority for Adoption: RCW 18.200.050(1).

Statute Being Implemented: RCW 18.200.050 (1)(2)(5) (6)(8)(11), [18.200.]070, [18.200.]080, 43.70.250, [43.70.]280, [43.70.]320.

Summary: These rules are the initial rules to implement chapter 18.200 RCW. The rules set forth licensure and application requirements; provision for licensure without examination, education and internship requirements, administrative requirements and fees.

Reasons Supporting Proposal: Licensing requirements must be in rule form.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, 1300 S.E. Quince Street, Olympia, WA 98504, (360) 753-4614.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules are the initial rules developed to implement chapter 18.200 RCW which was enacted in 1997. These rules set forth licensure and application requirements; provisions for licensure without examination, education and internship requirements, administrative requirements and fees. The purpose of the rules is to set sufficient standards to ensure that applicants who qualify for licensure have adequate training and experience, thus safeguarding the public health, safety and welfare.

Proposal does not change existing rules.

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

SIGNIFICANT RULES ANALYSIS
 ECONOMIC IMPACT ANALYSIS AND
 SMALL BUSINESS ECONOMIC IMPACT STATEMENT

OBJECTIVE: To adopt rules necessary to implement chapter 18.200 RCW, the law relating to orthotic and prosthetic services, which was enacted by the legislature in 1997. All rules presented are new rules and focus on licensure and application requirements, the process of renewal of credentials and fees.

NOTE: The term "O&P provider," "O&P practitioner," or "O&Ps" will be used to substitute for "orthotist and prosthetist" throughout this report. These are accepted substitutions among these professionals.

BACKGROUND: Chapter 18.200 RCW provides for the licensure of orthotists and prosthetists. An orthotist designs,

fabricates, assembles and fits custom-braces or supports for patients who have a disease, injury or deformity that interferes with normal body functions. A prosthetist designs, fabricates and fits prostheses to replace limbs lost due to amputation, deformity or absences.

The following rules are proposed to implement the first phase of this chapter, the licensing of qualified applicants. These rules relate to licensure without examination (grandfathering), licensure and application requirements, the process of renewal of credentials and fees. The proposed rules include:

WAC 246-850-010 Definitions, this section contains the definition of "maintenance of an orthosis or prosthesis." Statutory authority: RCW 18.200.050(1).

WAC 246-850-020 Requirements for licensure, requires a bachelor degree in orthotics or prosthetics from an approved school, a residency of at least 1900 hours and successful completion of the required examination. Statutory authority: RCW 18.200.050 (5)(8)(11), 18.200.070 (1)(c).

WAC 246-850-030 Application requirements, sets forth the documentation required to substantiate that the applicant meets the requirements for licensure. Statutory authority: RCW 18.200.050 (1)(2).

WAC 246-850 [246-850-050] Approved internship or residency requirement, requires completion of at least 1900 hours for each discipline for which a license is sought. Training must be completed under qualified supervision in an established facility. RCW 18.200.050(5), 18.200.070 (1)(c).

WAC 246-850-080 Inactive credential, adoption by reference of chapter 246-12 WAC, Part 4. Statutory authority: RCW 43.70.280.

WAC 246-850-090 Retired active credential, adoption by reference of chapter 246-12 WAC, Part 5. Statutory authority: RCW 43.70.280.

WAC 246-850-100 Licensure without examination, sets forth the experience and application requirements for licensure without examination (grandfathering). Statutory authority: RCW 18.200.080.

WAC 246-850-110 Approval of orthotic and prosthetic educational programs, includes the approval and curriculum requirements for O&P programs. Statutory authority: RCW 18.200.050(5).

WAC 246-850-120 Withdrawal of program approval, sets forth the circumstances that would result in withdrawal of program approval. Statutory authority: RCW 18.200.050(6).

WAC 246-850-990 Orthotic and prosthetic fees, sets forth the fees for licensure, renewal or relicensure, inactive and retired status, duplicate credentials and certification. Statutory authority: RCW 43.70.250, 43.70.320.

GOALS AND SPECIFIC OBJECTIVES OF THE STATUTE:

To protect the consumers of O&P care in Washington from physical, psychological and financial harm by assuring that practitioners are qualified to provide O&P services. The proposed rules set forth specific minimum requirements that must be met by applicants for licensure. These proposed rules also set forth the process by which a license may be renewed and set fees.

IS THE RULE NECESSARY TO ACHIEVE THESE GOALS AND OBJECTS? Rules are necessary because the proposed

requirements or processes either establish qualifications or standards for the issuance of licenses or set forth the process requirements for making application for a license.

ARE THE PROBABLE BENEFITS OF THE RULE GREATER THAN THE PROBABLE COST? The proposed rules set educational requirements at a level that will help to ensure consumers of O&P services receive quality care. These standards and requirements for licensure are substantially equal to the standards commonly accepted in the fields of O&P. Currently, only three other states, Florida, New Jersey and Texas have laws regulating O&P practitioners. In these states, regulations are in various stages of development. The statutes for these states, seem to have similar provisions. The two primary national certifying bodies also have similar qualifications for certification, although the requirements for formal training and experience differs. By requiring minimum competency, the likelihood of harm by poorly designed O&P devices which compromise the function and safety of physically challenged consumers is greatly reduced.

Probable benefits: Improved quality of care - a decrease in the magnitude of risk to which consumers are subjected by the poor application of O&P devices or as a result of inadequate training of patients or maintenance of an orthosis or prosthesis. It is estimated that at least one hundred thirty-nine practitioners within Washington state will apply for licensure. It is also estimated that at least thirty out-of-state practitioners will apply for licensure.

A poorly fitting or improperly designed O&P device can result in deep ulcerations in patients who have no sensation which may necessitate additional surgery.

Improperly designed devices or inadequate patient training or follow-up may cause malalignment of a patient's skeleton and create deformity.

Progression of a deformity that could have been prevented by an appropriately fitted and maintained O&P device.

Improved consumer safety - catastrophic failure of an O&P device can result in permanent damage to the limb on which the device is worn or temporary bodily injury, or in the extreme, death. To the consumer of O&P services, whose device suddenly fails, there is a potential for a serious injury.

Public sense of well being - confidence that the practitioner has met standards for licensure and is competent to practice.

Competent O&P care as a key component of rehabilitation helps to mitigate the effects of injury and chronic disease, restores functional ability and helps patients cope.

Financial gain - the patient, his or her family and society in general sustain a financial cost when a member, who could otherwise be productive, is unemployable due to inadequate O&P care.

Significant financial cost is incurred if O&P care not only fails to restore function but instead, produces further complications. These increased costs are due, in part, to decreased productivity and function with resulting dependence on society.

Probable Costs to Regulated Parties:

Recordkeeping and reporting: None of the proposed rules would represent any additional recordkeeping or reporting costs to licensees.

Training and education: Applicants would be required to complete a bachelor degree program or certificate program in orthotics or prosthetics. Approved bachelor degree programs must include college level course work in the basic sciences: Biology, psychology, physics, chemistry, physiology, human anatomy, and algebra or higher math. These courses serve to provide a necessary basis of knowledge for formal O&P training. Advanced O&P training uses the foundation of the basic sciences and builds on that information to complete the education of an O&P provider.

The educational requirements for an O&P license were developed by practicing professional O&P providers, the Orthotics and Prosthetics Advisory Committee, and the Department of Health. The educational requirements were proposed and discussed in four public meetings held in 1998. The educational requirements in rule represent the consensus of this process.

The average cost of tuition for the bachelor degree or certificate from currently approved Washington schools is \$6,538 per year. It should be noted that, in the absence of licensure, national certification is required for employment in the majority of positions. Currently, national certification requires a bachelor degree or certificate program as well as an experience requirement, however qualifying training or experience is considered. Therefore, a majority of potential licensees have already completed the training proposed by the rules as a means for national certification.

New Equipment Requirements: The proposed rules do not represent any requirements for equipment.

Inspections - Audits: The proposed rules do not represent any requirements for inspections or audits.

New Licenses/Fees: Proposed fees are incorporated in WAC 246-850-990. Proposed application fees are \$600.00. The renewal is \$575.00. RCW 43.70.250 and 43.70.280 require that the cost of licensing be fully supported by the licensees. Therefore, the amount of the fees reflect the estimated cost to operate the Orthotics and Prosthetics program divided by the anticipated number of licensees. Estimated costs include the expenses incurred to set up the program, the estimated administrative cost to issue the licenses, estimated disciplinary costs, estimated expert witness fees, and estimated attorney general fees. The department's fee study indicated that an application fee of \$600 and a renewal fee of \$575 were necessary to recover the estimated costs.

Administration Expenses and Professional Services: The proposed rules do not represent any requirements for administration expenses and professional services.

Reduced Production: The proposed rules will not affect production.

Probable Costs to DOH: Administration Costs: The total budget for this program is \$137,506 for the biennium. It is estimated that licensing accounts for 60% of the total budget. This allotment includes start up costs, both direct and indirect. The proposed fees based on the current estimate of applicants and licensees would adequately support the program. Assuming the estimate is correct, the program should

recover the start up costs after the second year. It is not anticipated that there would then be an excess of revenue.

COST/BENEFIT SUMMARY: Given the intangible nature of the benefits of the proposed rules, i.e., improved quality of care, improved consumer safety, public sense of well being and financial gain, it is difficult to place an actual monetary value. However, when viewed against the costs to the regulated parties, the department concludes that the benefits exceed the costs. There is no disproportionate effect on small businesses.

ALTERNATIVES TO RULE MAKING: Considering the scope of the proposed rules, there is no alternative to rule making. All of the proposed rules are necessary to implement the statute. The rules as presented are meant to be the least burdensome alternative to meet the requirements of the chapter.

IN VIOLATION OF ANOTHER FEDERAL OR STATUTE LAW? The proposed rules are not in violation of another federal or state law.

IMPOSE STRICTER PERFORMANCE REQUIREMENTS ON PRIVATE ENTITIES THAN PUBLIC ENTITIES: Any proposed performance requirements would apply equally to both private or public entities.

RULES DIFFER FROM FEDERAL REGULATION OR STATUTE: There are no known federal regulations or statute that differ from the proposed rules.

COORDINATE RULE WITH OTHER FEDERAL, STATE AND LOCAL LAWS ON SAME ACTIVITY: The program has maintained open contact with stockholders during the course of the rules development.

A copy of the statement may be obtained by writing to Judy Haenke, P.O. Box 47870, Olympia, WA 98504-7870.

RCW 34.05.328 applies to this rule adoption. It establishes qualifications for the issuance of licenses.

Hearing Location: Department of Health, 1102 S.E. Quince Street, Olympia, WA 98504, on October 7, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Judy Haenke by October 5, 1998, TDD (360) 753-2870, or (360) 664-0064.

Submit Written Comments to: Judy Haenke, P.O. Box 47870, Olympia, WA 98504-7870, fax (360) 586-0745, by October 5, 1998.

Date of Intended Adoption: October 8, 1998.

August 27, 1998

Kristine Van Gorkom

Deputy Secretary

Chapter 246-850 WAC

ORTHOTICS AND PROSTHETICS RULES

NEW SECTION

WAC 246-850-010 Definitions. "Maintenance of an orthosis or prosthesis" includes replacement or repair of component parts that is equivalent to the original component and is required due to wear or failure. Maintenance of an orthosis

or prosthesis does not include altering the original components or complete replacement of the orthosis or prosthesis.

NEW SECTION

WAC 246-850-020 Requirements for licensure. To qualify for licensure as either an orthotist or prosthetist in this state, a candidate must:

(1) Possess a bachelor degree in orthotics or prosthetics from an approved orthotic or prosthetic educational program as provided in WAC 246-850-110; alternatively, a candidate may complete a certificate program in orthotics or prosthetics from an approved education program as provided in WAC 246-850-110;

(2) Complete a clinical internship or residency of 1900 hours as required in WAC 246-850-050; and

(3) Complete an examination as required in WAC 246-850-060.

NEW SECTION

WAC 246-850-030 Application requirements. An applicant for licensure shall submit the following:

(1) A completed application and fee as required in chapter 246-12 WAC, Part 2;

(2) Official transcripts, certificate, or other documentation forwarded directly from the issuing agency where the applicant has earned a bachelor degree or completed a certificate program from an NCOPE or CAAHEP accredited program as set forth in WAC 246-850-110;

(3) Documentation of completion of an internship or residency of at least 1900 hours as provided in WAC 246-850-050;

(4) Documentation of successful completion of a licensing examination as approved by the secretary;

(5) Verification of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(6) Verification from all states in which the applicant holds or has held a license, whether active or inactive, indicating that the applicant is or has not been subject to charges or disciplinary action for unprofessional conduct or impairment; and

(7) Additional documentation as required by the secretary to determine whether an applicant is eligible for licensure.

NEW SECTION

WAC 246-850-040 Licensure without examination.

(1) The secretary may grant a license to an applicant who has practiced full time for five of the six years prior to December 1, 1998, and who has provided comprehensive services in an established practice as determined by the secretary.

(2) Applications must be received no later than December 1, 1999.

(3) For the purposes of this section, the following terms have the following meanings:

(a) "Full time" means at least 30 hours per week.

(b) "Comprehensive services" includes the continuum of direct patient care utilizing primary diagnostic evaluation,

assessment and follow up and measurable experience in initiating and providing independent measurement, design, fabrication, assembling, fitting, adjusting and servicing. Comprehensive services does not include the provision of incidental repairs, maintenance, or other services at the direction, or under the supervision of, a primary orthotic or prosthetic practitioner.

(c) "Established practice" means a recognized place of business with access to equipment essential to the provision of comprehensive orthotic and/or prosthetic services.

(4) An applicant for licensure without examination must provide the following:

(a) A completed application and fee as required in chapter 246-12 WAC, Part 2;

(b) Official certificates or transcripts sent directly from the issuing agency or institution documenting formal education, if any, including internships or residencies in the professional area for which a license is sought;

(c) Documentation of employment or work history in the professional area for which the license is sought, including the names and qualifications of individuals providing direction or supervision;

(d) A statement describing scope of practice of employment or work experience;

(e) Certification received directly from at least one supervisor describing the applicant's scope of practice and work experience and assessing the applicant's competence and skill level;

(f) Three letters of recommendation from employers or physicians from whom the applicant has received referrals;

(g) Verification of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;

(h) Verification from all states in which the applicant holds or has held a health care practitioner license, whether active or inactive, indicating that the applicant has not been subject to charges or disciplinary action for unprofessional conduct or impairment; and

(i) Additional documentation as required by the secretary to determine whether an applicant is eligible for licensure.

NEW SECTION

WAC 246-850-050 Approved internship or residency requirement. Applicants must complete an internship of at least 1900 hours in each area for which a license is sought. Individual internships must be completed within a minimum period of one year and a maximum period of two years unless extended by the secretary for good cause shown. The internship or residency must be completed under a supervisor qualified by training and experience in an established facility and incorporate patient management and clinical experience in rehabilitation, acute and chronic care in pediatrics and of adults. Applicants who submit evidence of completion of a 1900 hour internship or residency which is approved by the National Commission on Orthotic and Prosthetic Education (NCOPE) or Commission for Accreditation of Allied Health Education Programs (CAAHEP) are considered to have met the requirements of this section. The 1900 hours of intern-

ship training must be completed subsequent to graduation from an approved program.

NEW SECTION

WAC 246-850-090 Inactive credential. A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

NEW SECTION

WAC 246-850-100 Retired active credential. A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

NEW SECTION

WAC 246-850-110 Approval of orthotic and prosthetic educational programs. (1) For purposes of WAC 246-850-020, the secretary recognizes as approved those orthotic and prosthetic programs that:

- (a) Are approved by the National Commission on Orthotic and Prosthetic Education (NCOPE) or its successor, or the Commission on Accreditation of Allied Health Programs (CAAHEP) or its successor or other accrediting body with substantially equivalent requirements; and
- (b) Meet the requirements of subsections (2) and (3) of this section.

(2) Approved baccalaureate degree programs or certificate programs must have as prerequisites the following college level coursework:

- (a) Biology.
- (b) Psychology.
- (c) Physics.
- (d) Chemistry.
- (e) Physiology.
- (f) Human anatomy.
- (g) Algebra/higher math.

(3) Approved baccalaureate degree programs or certificate programs must include the following coursework within a minimum of three quarters or two semesters in each practice area for which a license is sought.

- (a) Orthotics only:
 - (i) Lower extremity orthotics.
 - (ii) Upper extremity orthotics.
 - (iii) Spinal orthotics.
 - (iv) Pathophysiology.
 - (v) Biomechanics and kinesiology.
 - (vi) Radiographic interpretation.
 - (vii) Normal and pathological gait.
 - (viii) Clinical evaluation.
 - (ix) Clinical affiliation.
 - (x) Research methods.
 - (xi) Practice management.
- (b) Prosthetics only:
 - (i) Lower extremity prosthetics.
 - (ii) Upper extremity prosthetics.
 - (iii) Pathophysiology.
 - (iv) Biomechanics and kinesiology.
 - (v) Radiographic interpretation.

- (vi) Normal and pathological gait.
- (vii) Clinical evaluation.
- (viii) Clinical affiliation.
- (ix) Research methods.
- (x) Practice management.

NEW SECTION

WAC 246-850-120 Withdrawal of program approval. Approval of educational programs may be withdrawn by the secretary, as provided in chapter 34.05 RCW and chapter 246-10 WAC, if:

- (1) A program ceases to be approved by NCOPE or CAAHEP; or
- (2) Fails to maintain the accreditation standards of NCOPE or CAAHEP; or
- (3) Does not meet the minimum curriculum requirements as provided in WAC 246-850-110.

NEW SECTION

WAC 246-850-990 Orthotic and prosthetic fees. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Orthotic application	\$600.00
Prosthetic application	600.00
Orthotic renewal	575.00
Prosthetic renewal	575.00
Late renewal penalty fee	287.50
Expired credential reissuance fee	287.50
Inactive credential renewal fee	350.00
Late inactive renewal fee	175.00
Retired active credential renewal fee	350.00
Late retired active credential renewal fee	175.00
Duplicate credential or wall certificate	15.00
Certification	25.00

WSR 98-18-073

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed September 1, 1998, 8:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-049.

Title of Rule: New chapter 204-46 WAC, Backup alert devices and rear crossview mirrors.

Purpose: To establish acceptable standards for backup alert devices and crossview mirrors to ensure drivers of trucks with cube-style walk-in cargo boxes will be able to detect objects or persons behind them.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.400.

Summary: The 1998 legislature amended RCW 46.37.400, to require backup alert devices on specified delivery trucks. This new WAC establishes state-wide standards for those devices.

Reasons Supporting Proposal: Session laws of 1998.

Name of Agency Personnel Responsible for Drafting: Ms. Carol Morton, P.O. Box 42635, (360) 412-8934; Implementation and Enforcement: Captain G. Marshall Pugh, P.O. Box 42614, (360) 753-5299.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will establish acceptable state-wide standards for backup alert devices and rear crossview mirrors.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Washington State Patrol, Commercial Vehicle Conference Room, Ground Floor, General Administration Building, Olympia, Washington 98504, on October 6, 1998, at 10 a.m.

Assistance for Persons with Disabilities: Contact Ms. Kendra Hensley by October 1, 1998, (360) 753-0678.

Submit Written Comments to: Ms. Carol Morton, P.O. Box 42635, Olympia, WA 98504-2635, fax (360) 493-9090, by October 1, 1998.

Date of Intended Adoption: October 7, 1998.

August 25, 1998

Annette M. Sandberg

Chief

Chapter 204-46 WAC

BACKUP ALERT DEVICES AND REAR CROSSVIEW MIRRORS

NEW SECTION

WAC 204-46-010 Promulgation. By authority of RCW 46.37.005 and 46.37.400 the Washington state patrol hereby adopts the following rules pertaining to backup alert devices and crossview mirrors.

NEW SECTION

WAC 204-46-020 Backup alert devices. Backup alert devices means any type of motion detection device, laser device, camera, or television device mounted on a truck with a cube-style, walk-in cargo box up to eighteen feet long, which will warn the driver of the detection of a person or object at a minimum of six feet to the rear of the vehicle and also encompass the width of the rear of the vehicle.

NEW SECTION

WAC 204-46-030 Rear crossview mirrors. Rear crossview mirrors mean any type of mirrors which, when mounted, will allow the driver of a truck with a cube-style, walk-in cargo box up to eighteen feet long, to view a minimum distance of six feet to the rear and encompass the width of the rear of the vehicle in order to be able to detect an object or person. These crossview mirrors shall be installed in a manner that will satisfy the above requirements.

WSR 98-18-080

PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed September 1, 1998, 11:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-12-081.

Title of Rule: Chapter 296-27 WAC, Safety Standards for recordkeeping and reporting.

Purpose: Subject of this Rule Making: Abatement verification.

The Department of Labor and Industries is proposing federal-initiated abatement certification procedures that employers must follow to verify that cited violations of workplace safety and health rules have been corrected. The proposed new rules will bring Washington state into compliance with federal requirements adopted last year (as published in Federal Register Volume 62, Number 61, dated March 31, 1997). In keeping with the agency's on-going effort to make WISHA regulations easier to read, understand and voluntarily use, the department has rewritten the regulation in everyday language and in a question and answer format. Because the rewritten state standard proposal provides greater clarity than is in the federal rule, nonmandatory federal Appendix A, Sample Abatement Certification Letter, and Appendix B, Sample Abatement Plan or Progress Report are not proposed for inclusion in the state standard. Federal Appendix C, Sample Warning Tag, is included as Appendix A in the state standard. In addition, the federal rule has been modified to reflect the state, rather than the federal, appeals process. Major provisions of the proposal include:

- **Abatement Certification:** The proposal requires employers to certify in writing when and how all cited violations have been abated.
- **Additional Documentation:** On all willful and repeat violations, the proposal requires employers to submit documentation of abatement such as photographs, receipts for materials purchased, etc. The department may also require employers to provide documentation of abatement on serious violations.
- **Abatement Plan:** The proposal allows the agency to direct employers to prepare abatement plans and to submit progress reports when more than ninety days is allowed to correct the hazard.
- **Notice to Employees:** The proposal spells out procedures for informing affected employees and

requires employers to make copies of abatement notices, documentation and abatement plans available to them.

- **Movable Equipment:** When a cited violation relates to equipment that can be moved within or between worksites, the employer is required to attach a copy of the violation or a tag to ensure that employees are aware of the hazardous condition. This notice or tag is to remain on the equipment until the violation is abated and the department notified, or the equipment is removed from service, or the violation is vacated. This requirement applies during any appeal.

NEW SECTIONS

WAC 296-27-21001 What is the purpose of this rule? This federal-initiated proposed new section states that L&I inspections are expected to eliminate violations of the Washington Industrial Safety and Health Act (WISHA) making sure that cited violations have been abated. This section describes

obligations of the employer to certify abatement and to provide additional documentation.

WAC 296-27-21005 When does this rule apply? This federal-initiated proposed new section states that the standard applies to anyone who is cited for a WISHA violation.

WAC 296-27-21010 What definitions apply to this rule? This federal-initiated proposed new section gives definitions of several words or terms used in the standard.

WAC 296-27-21015 What must an employer do when asked to abate a violation? This federal-initiated proposed new section requires employers who are cited to certify to the department that each violation has been abated, within ten calendar days following the abatement date. This section also lists items that are required in the employer's certification that abatement is complete.

WAC 296-27-21020 When must an employer submit additional documentation of abatement? This federal-initiated proposed new section requires employers to submit additional documentation of abatement when the violation is a willful or repeat violation. The department may also require additional documentation for any serious violation when the citation says the documentation is required.

WAC 296-27-21025 When must an employer provide abatement plans? This federal-initiated proposed new section states that the department may require employers to submit abatement plans for cited violations (other than general violations) that take more than ninety calendar days to abate. Abatement plans must be submitted within twenty-five calendar days from the final order date. Required elements of an abatement plan are listed. This section states that the department will write to employers to inform them of inadequate abatement plans and how they are inadequate.

WAC 296-27-21030 When must an employer submit progress reports? This federal-initiated proposed new section states that the department may require employers to submit periodic progress reports for each cited violation. The progress report must identify the action taken to abate the violation and the date the action was taken.

WAC 296-27-21035 What must an employer do to keep employees informed about abatement activities? This federal-initiated proposed new section requires employers to inform affected employees and their representatives about abatement activities covered by this section. Posting requirements are described and require employers use other means of communication to employees and their representatives if posting is not effective. Employers are required to inform employees and their representatives of their right to examine and copy abatement documents. This section also contains time frames within which requests to examine or copy abatement documents by employees or employee representatives must be met.

WAC 296-27-21040 How will the department determine the date that documents are submitted? This federal-initiated proposed new section states that, for mailed documents, the postmark date is the date of submission. For documents transmitted by means other than mail, the date of receipt is the date of submission.

WAC 296-27-21045 What are the requirements related to movable equipment? This federal-initiated proposed new section requires the employer to attach a copy of the violation or a tag to ensure that employees are aware of hazardous condition(s) relating to equipment that can be moved within or between worksites. This notice or tag is to remain on the equipment until the violation is abated and the department notified, or the equipment is removed from service, or the violation is vacated. This requirement applies during any appeal.

WAC 296-27-21050 Appendix A (Non Mandatory) What can a warning tag for movable equipment involved in serious, repeat, or willful violations look like? This federal-initiated proposed section provides a sample of a warning tag for employer reference.

Statutory Authority for Adoption: RCW 49.17.040.

Statute Being Implemented: RCW 49.17.010, [49.17].050, [49.17].060, [49.17].220.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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

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

Rule is necessary because of federal law, 29 CFR 1903.19 (62 Fed Reg. 15324 (1997)).

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

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The economic analysis requirements of the Regulatory Fairness Act do not apply to "rules that only correct typographical errors, or clarify language of a rule without changing its effect" or to rules that adopt or incorporate by reference, without material change, federal statutes or regulations or national consensus codes that generally establish industry standards. Since the proposed amendments adopt federal regulations without mate-

rial change, correct typographical errors ... and clarify language without changing its effect, a small business economic impact statement is not required.

If a small business economic impact statement is not required, the department must "file a statement citing, with specificity, the federal statute or regulation with which the rule is being adopted to conform or comply, and describing the consequences to the state if the rule is not adopted" (RCW 19.85.061). The Occupational Safety and Health Administration (OSHA) published new regulations addressing abatement verification in 29 C.F.R. Part 1903.19, published March 31, 1997. If the federal requirements are not adopted, the agency's administrative laws on this subject would be in violation of the OSHA Act of 1970, 29 U.S.C. Sec. 657 and Sec. 667 which require Washington's safety and health regulations to be at least as effective as OSHA's. As a result, OSHA may decertify the state's program.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria do not apply to these new rules because they meet the exempt criteria outlined in RCW 34.05.328 (5)(b)(iii) and (iv). Significant rule-making criteria do not apply when adopting federal regulations without material change.

The rule amendments in this proposal are made as a result of federal adoption of regulations in 29 CFR 1903.19. WISHA is proposing adoption of the federal regulation without material change.

Hearing Location: Department of Labor and Industries Building Auditorium, 7273 Linderson Way, Tumwater, WA, on October 7, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by September 25, 1998, at (360) 902-5516.

Submit Written Comments to: WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5 p.m. on October 14, 1998, or fax to (360) 902-5529 (ten pages or less).

Date of Intended Adoption: December 29, 1998.

September 1, 1998

Gary Moore

Director

NEW SECTION

WAC 296-27-210 Abatement verification.

NEW SECTION

WAC 296-27-21001 What is the purpose of this rule? Among other purposes, our inspections are expected to result in the elimination of violations under the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW. This section describes how we will make sure that cited violations have been abated. It also describes your obligations as an employer to certify abatement and, in some cases, to provide additional documentation.

NEW SECTION

WAC 296-27-21005 When does this rule apply? The provisions of WAC 296-27-210 through WAC 296-27-21045 apply to you if we cite you for a WISHA violation.

NEW SECTION

WAC 296-27-21010 What definitions apply to this rule? **Abatement** means correcting the cited violation.

Abatement date means the date by which you must correct a violation. It is established by any final order or by an Extension of Abatement Date(s), granting additional time to correct the violation. However, the abatement date established as a result of an order of the Board of Industrial Insurance Appeals remains in effect during any appeal to a court unless the court specifically orders the date to be stayed.

Affected employees means those employees who are exposed to the hazard(s) identified as violation(s) in a citation.

Certification means your written statement describing when and how abatement was achieved.

Department means those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA). When this rule refers to "we" or "us," it means the department.

Documentation means material you submit that shows that abatement is complete. This includes, but is not limited to, photographs, receipts for materials and/or labor.

Employer means a business entity having one or more employees. Also, any person, partnership, or business entities with no employees but having industrial insurance coverage is both an employer and an employee. When this rule refers to "you," it means the employer or a designated representative.

Final order means any of the following documents unless you or another party files a timely appeal:

- a Citation and Notice;
- a Corrective Notice of Redetermination;
- a Decision and Order from the Board of Industrial Insurance Appeals;
- a Denial of Petition for Review from the Board of Industrial Insurance Appeals; or
- a decision from a Washington state superior court, court of appeals, or the state supreme court.

Final order date means the issue date of a final order. **Movable equipment** means a hand-held or non-hand-held machine or device, powered or unpowered, that can be moved within or between worksites.

NEW SECTION

WAC 296-27-21015 What must an employer do when asked to abate a violation? (1) Within 10 calendar days after the abatement date, you must certify to us that each violation has been abated. **Exception:** You do not need to certify abatement if our compliance officer indicates in the citation that he or she observed abatement.

(2) Your certification that abatement is complete must include the following:

- Your name and address;
- The inspection number to which your certification applies;
- The citation and item numbers to which your certification applies;
- The date and method of abatement of each violation;
- A statement that affected employees and their representatives have been informed of the abatement of each violation;
- A statement that the information submitted is accurate; and
- Your signature (or that of your authorized representative).

(Note: For extension of abatement date(s), see the WAC 296-350-350 series.)

NEW SECTION

WAC 296-27-21020 When must an employer submit additional documentation of abatement? For each willful or repeat violation, you must submit to us additional documentation demonstrating that abatement is complete. You must also submit this documentation for any serious violation when we require you to do so in the citation. Such documentation may include, but is not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.

NEW SECTION

WAC 296-27-21025 When must an employer provide abatement plans? (1) When the time permitted for abatement is more than 90 calendar days, we may require you to submit an abatement plan for each cited violation other than general violations. If we require an abatement plan, the citation must say so.

(2) When the citation indicates that an abatement plan is required, you must submit the plan within 25 calendar days from the final order date.

- (3) Your abatement plan must
- identify the violation;
 - list the steps you will take to correct the violation;
 - include a schedule to complete the steps; and
 - describe how employees will be protected until abatement is complete.

(4) If we find your plan inadequate, we must inform you in writing and indicate how your plan is inadequate.

NEW SECTION

WAC 296-27-21030 When must an employer submit progress reports? (1) If you are required to submit an abatement plan, we may also require you to submit periodic progress reports for each cited violation. Our citation will include:

- The citation items for which periodic progress reports are required;
- The date on which an initial progress report must be submitted (no sooner than 30 calendar days after you submit an abatement plan);

- Whether additional progress reports are required; and
- The date(s) on which you must submit any additional progress reports.

(2) For each violation, your progress report must briefly identify the action taken to achieve abatement and the date the action was taken. A single sentence should normally be adequate for each violation.

NEW SECTION

WAC 296-27-21035 What must an employer do to keep employees informed about abatement activities? (1) You must inform affected employees and their representative(s) about abatement activities covered by this section by posting a copy of each document you submit to us or a summary of the document near the place where the violation occurred.

(2) Where such posting does not effectively inform employees and their representatives about abatement activities (for example, if you have mobile work operations), you must:

- Post each document or a summary of the document in a location where it will be readily observable by affected employees and their representatives; or
- Take other steps to communicate fully to affected employees and their representatives about abatement activities.

(3) You must inform employees and their representatives of their right to examine and copy all abatement documents submitted to the department.

(4) You must comply with any request by an employee or employee representative to examine and copy abatement documents within 5 days of receiving the request, if the employee or employee representative makes the request within 3 working days of receiving notice that the documents have been submitted to us.

(5) You must ensure that notice to employees and employee representatives is provided on or before the date you provide the information to us.

(6) You must ensure that these abatement documents remain posted for at least three working days after you submit them to us and that they are not altered, defaced, or covered by other material.

NEW SECTION

WAC 296-27-21040 How will the department determine the date that documents are submitted? The date of postmark is the date of submission for documents you send by mail. For documents you transmit by other means, the date we receive the document is the date of submission.

NEW SECTION

WAC 296-27-21045 What are the requirements related to movable equipment? (1) For serious, repeat, and willful violations involving movable equipment, you must attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment if the viola-

PROPOSED

tion has not already been abated. You must do this for hand-held equipment immediately after you receive the citation, and you must do this for other equipment before moving it within the worksite or between worksites.

(2) You must use a warning tag that properly warns employees about the nature of the violation involving the equipment and that tells them where the citation is posted. Non-Mandatory Appendix A contains a sample tag that you may use to meet this requirement.

(3) For the construction industry, a tag designed and used in accordance with WAC 296-155-300(8) and WAC 296-24-14011 meets the requirements of this section when the information required by subsection (2) above is included on the tag.

(4) You must make sure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other material.

(5) You must make sure that the tag or copy of the citation attached to movable equipment remains attached until:

- You have abated the violation and you have submitted all abatement verification documents required by this regulation to us;
- You have permanently removed the cited equipment from service;
- You no longer have control over the cited equipment; or
- A final order vacates the violation.

PROPOSED

NEW SECTION

WAC 296-27-21050 Appendix A (Non Mandatory)
What can a warning tag for movable equipment involved in serious, repeat, or willful violations look like? You may use a warning tag similar to the sample shown below. You must make sure the warning tag meets the requirements of and is used in accordance with the requirements of WAC 296-27-21045.

SAMPLE WARNING TAG

○

WARNING:

**EQUIPMENT HAZARD
CITED BY L & I**

EQUIPMENT CITED:

HAZARD CITED:

FOR DETAILED INFORMATION
SEE L & I CITATION POSTED AT:

BACKGROUND COLOR—ORANGE
 MESSAGE COLOR—BLACK

WSR 98-18-081
PROPOSED RULES
GAMBLING COMMISSION
 [Filed September 1, 1998, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-076 on July 15, 1998, with a published date of August 5, 1998.

Title of Rule: Punchboard and pull-tab series restrictions—Prizes, size of game, and location of winners, WAC 230-30-080.

Purpose: Change would increase the merchandise and cash prize pay-out limits on pull-tab games.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: The change would allow pull-tab operators to offer more valuable prizes, for the same price per tab, thereby offering players better prizes for the same money and stimulating business for the pull-tab operator.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 438-7654 ext. 374; Implementation: Ben Bishop, Lacey, (360) 438-7640; and Enforcement: Sherri Winslow, Lacey, (360) 438-7654 ext. 301.

Name of Proponent: Staff, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Silverdale on the Bay Hotel, 3037 Bucklin Hill Road, Silverdale, WA 98310, (360) 698-1000, on October 9, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by October 2, 1998, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, WA 98504-2400, fax (360) 438-8652, by October 2, 1998.

Date of Intended Adoption: October 9, 1998.

September 1, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending Order 359, filed 7/15/98, effective 1/1/99)

WAC 230-30-080 Punch board and pull-tab series restrictions—Prizes, size of game, and location of winners. No operator, distributor, or manufacturer, or representative thereof shall possess, display, put out for play, sell, or otherwise transfer to any person in this state, or for use in this state, any punch board or pull-tab series which:

(1) Does not offer prizes that are equal to or greater than sixty percent of the total gross receipts available from the punch board or pull-tab series. The following applies to the sixty percent calculation:

(a) For the purposes of determining the percentage of prizes offered on any punch board, or in any pull-tab series, total merchandise prizes shall be computed at the amount actually paid by the licensed operator plus fifty percent of that actual cost. For any merchandise prize with an actual cost over five hundred dollars, the total cost plus markup in this subsection shall not exceed seven hundred fifty dollars; and

(b) Prize and percentage requirements for progressive pull-tab series shall be calculated as set forth in WAC 230-30-025;

(2) Offers a single prize that exceeds:

(a) Five hundred dollars in cash: *Provided*, That progressive jackpot pull-tab prizes, as authorized in WAC 230-30-025, and pull-tab series with carry-over jackpots, as authorized in WAC 230-30-045 shall be exempt from this requirement and shall be subject to the limits defined in those rules: *Provided further*, That the case limit may be increased from five hundred dollars to seven hundred fifty dollars only

on pull-tab series with a cost per tab of one dollar after approval by the director. Minimum standards for these series shall include a secondary verification code, as defined in WAC 230-30-103, which shall be unique to each series and shall not repeat; or

(b) A merchandise prize (~~(, or combination cash merchandise prize,)~~) for which the operator has expended more than five hundred dollars: *Provided*, That operators may expend more than five hundred dollars, not to exceed seven hundred fifty dollars, subject to the limitations set forth in subsection (1)(a) of this section;

(3) Has multiple winners on an individual pull-tab or punch that combined values exceed the single cash or merchandise prize limit in subsection (2) of this section;

(4) Offers prizes for purchasing the last ticket or last punch that exceeds:

(a) One hundred dollars cash; or

(b) Merchandise for which the licensee has expended more than one hundred dollars; or

(c) The highest prize offered, whichever is less;

(5) Contains more than ten thousand individual pull-tabs: *Provided*, That progressive jackpot pull-tab series, as authorized by WAC 230-30-025, may contain up to fifty thousand individual pull-tabs;

(6) Utilizes a flare which does not meet the requirements of WAC 230-30-106;

(7) The winning punches or tabs have not been randomly distributed and mixed among all other punches or tabs in the board or series;

(8) The location, or approximate location, of any winning punches or tabs can be determined in advance of punching the punch board or opening the tabs in any manner or by any device, by markings on the board, tabs, or container, or by use of a light;

(9) There exists a key to any winning numbers or symbols; or

(10) Does not conform in any other respect to the requirements of WAC rules as to the manufacture, assembly, or packaging of punch boards or pull-tabs.

WSR 98-18-086

PROPOSED RULES

BOARD OF

INDUSTRIAL INSURANCE APPEALS

[Filed September 2, 1998, 8:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-15-132 through 98-15-136.

Title of Rule: Chapter 263-12 WAC, Practice and procedure before the Board of Industrial Insurance Appeals.

Purpose: To revise the board's rules of practice and procedure by amending WAC 263-12-010, 263-12-015, 263-12-01501, 263-12-020, 263-12-175, and 263-12-180.

Statutory Authority for Adoption: RCW 51.52.020.

Summary: All the rule changes are intended to make the rules easier to understand by removing unduly formal language, in addition changes reflect the following:

(1) A subsection is added to WAC 263-12-010 to reflect a statutory change to chapter 41.26 RCW.

(2) Changes to WAC 263-12-015 and 263-12-01501 are intended to make the rules easier to understand and use by separating rule on organization from rule which explains how to file documents with the agency.

(3) Changes to WAC 263-12-020 define representation of parties in proceedings before the board, restricting lay representatives to persons who meet the defined criteria.

(4) Changes to WAC 263-12-175 mirror statutory changes to RCW 1.12.040.

(5) Changes to WAC 263-12-180 reflect the board's interpretation of its authority to issue declaratory rulings.

Reasons Supporting Proposal: Executive Order 97-02 requiring agencies to review its rules. Making rules consistent with statutory changes and the board's statutory interpretation of authority granted to the board.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Threedy, 2430 Chandler Court S.W., Olympia, WA, 753-9646.

Name of Proponent: Board of Industrial Insurance Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Amends and updates jurisdiction of appeals heard at the board; (2) amends and adds clarity to communications with the board; this is not a change, but moves description of the current process; and (3) to clarify the description of those persons who may appear before the board; to change the definition of lay representation before the board and, to clarify action the board will take for violations of ethical conduct by representatives.

Proposal Changes the Following Existing Rules: See Purpose, Summary and Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The regulatory changes are exempt under RCW 34.05.310 (4)(g)(i).

RCW 34.05.328 does not apply to this rule adoption. The regulatory changes are procedural, not legislative as defined by RCW 34.05.328(5) or are clarifying changes that clarify the rule without changing its effect.

Hearing Location: Board of Industrial Insurance Appeals, Main Conference Room, 2430 Chandler Court S.W., Olympia, WA 98504, on October 6, 1998, at 9:30 - 11:30 a.m.

Assistance for Persons with Disabilities: Contact Dee Mathews by September 31, 1998, (360) 753-9646.

Submit Written Comments to: David Threedy, P.O. Box 42401, Olympia, WA 98504, fax (360) 586-5611, by October 5, 1998.

Date of Intended Adoption: October 7, 1998.

September 2, 1998

David E. Threedy

Executive Secretary

AMENDATORY SECTION (Amending WSR 91-13-038, filed 6/14/91, effective 7/15/91)

WAC 263-12-010 Function and jurisdiction. It is the function of the board as an agency to review, hold hearings on, and decide appeals filed from final orders, decisions or awards of the department of labor and industries. The jurisdiction of the board extends to:

(1) Appeals arising under the Industrial Insurance Act (Title 51 RCW);

(2) Appeals arising under the Crime Victims Compensation Act (chapter 7.68 RCW);

(3) Appeals arising under the Washington Industrial Safety and Health Act (chapter 49.17 RCW);

(4) Appeals from assessments issued under the Worker and Community Right to Know Act (chapter 49.70 RCW);

(5) Appeals arising under chapter 49.26 RCW concerning the denial, suspension or revocation of certificates involving asbestos projects; ~~((and))~~

(6) Appeals arising under chapter 49.22 RCW concerning safety procedures in late night retail establishments~~(-);~~ and

(7) Appeals arising under RCW 41.26.048 concerning the death of a law enforcement officer or firefighter in the course of employment.

AMENDATORY SECTION (Amending WSR 95-02-065, filed 1/2/95 [1/3/95], effective 2/3/95)

WAC 263-12-015 Administration and organization.

(1) **Composition of the board.** The board is an independent agency of the state of Washington composed of three members appointed by the governor. One member is a representative of workers, one member is a representative of employers, and the chairperson, who must be an active member of the Washington State Bar, is the representative of the public.

(2) **Location of the board.** The headquarters, and principal office of the board, is located at 2430 Chandler Ct. S.W., PO Box 42401, in Olympia, Washington 98504-2401.

(3) **Customary office hours.** The customary office hours of the board shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

(4) **Formal board meetings.** The board shall meet in formal session at its headquarters in Olympia, Washington at 9 a.m. on the first Tuesday of each month, and at such other times and places as the board may deem necessary, subject to 24-hour notice as required by law.

(5) **Staff organization.**

(a) The board's headquarters in Olympia is staffed with executive, administrative and clerical personnel.

(b) The board has a staff of industrial appeals judges who travel throughout the state in the performance of their duties and who have their offices in Olympia and in other areas of the state as is deemed necessary for efficient and cost effective handling of agency business.

(c) The office of the executive secretary of the board is located at the headquarters and principal office of the board.

~~(((6) Communications with the board. All written communications by parties pertaining to a particular case, including notices of appeal, applications, notices of appeal~~

~~ance, briefs, memoranda, motions, requests, or petitions for review, shall be filed with the board at its headquarters in Olympia, Washington. All correspondence and written communications filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances written communications shall be directed to the executive secretary of the board. Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.)~~

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

AMENDATORY SECTION (Amending WSR 91-13-038, filed 6/14/91, effective 7/15/91)

WAC 263-12-01501 (~~(Filing)~~) **Communications and filing with the board.** (1) (~~(Filing generally. Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, or by telephone facsimile.)~~) **Communications with the board.**

(a) **Where to file.** All written communications by parties pertaining to a particular case, including notices of appeal, applications, notices of appearance, briefs, memoranda, motions, requests, or petitions for review, shall be filed with the board at its headquarters in Olympia, Washington.

(b) **Methods of filing.** Unless otherwise provided by statute or these rules any written communication may be filed with the board personally, by mail, or by telephone facsimile.

~~((2))~~ (i) **Filing personally.** The filing of a written communication with the board personally is perfected by delivering the written communication to an employee of the board at the board's headquarters in Olympia during customary office hours.

~~((3))~~ (ii) **Filing by mail.** The filing of a written communication with the board is perfected by mail when the written communication is deposited in the United States mail, properly addressed to the board's headquarters in Olympia and with postage prepaid. Where a statute or rule imposes a time limitation for filing the written communication, the party filing the same should include a certification demonstrating the date filing was perfected as provided under this subsection. Unless evidence is presented to the contrary, the date of the United States postal service postmark shall be presumed to be the date the written communication was mailed to the board.

~~((4))~~ (iii) **Filing by telephone facsimile.** ~~((a))~~ (A) The filing of a written communication with the board by telephone facsimile is perfected when a legible copy of the written communication is reproduced on the board's telephone facsimile equipment in Olympia. The hours of operation of the board's telephone facsimile equipment are 8:00 a.m. to

5:00 p.m., Monday through Friday, excluding legal holidays. If a transmission of a written communication commences after these hours of operation the written communication shall be deemed filed on the next succeeding business day.

~~((b))~~ (B) Any written communication filed with the board by telephone facsimile should be preceded by a cover page identifying the party making the transmission, listing the address, telephone and telephone facsimile number of such party, referencing the appeal to which the written communication relates, and indicating the date of, and the total number of pages included in, such transmission.

~~((c))~~ (C) No written communication should exceed fifteen pages in length, exclusive of the cover page required by this rule.

~~((d))~~ (D) The party attempting to file the written communication by telephone facsimile bears the risk that the written communication will not be legibly printed on the board's telephone facsimile equipment due to error in the operation or failure of the equipment being utilized by either the party or the board.

~~((e))~~ (E) The board may require a party to file an original of any document previously filed by telephone facsimile.

(c) Sending written communication. All correspondence or written communication filed with the board pertaining to a particular case, before the entry of a proposed decision and order, should be sent to the attention of the industrial appeals judge assigned to the case. Interlocutory appeals should be sent to the attention of the chief industrial appeals judge. In all other instances, written communications shall be directed to the executive secretary of the board.

(d) Form requirements. Any written communications with the board concerning an appeal should reference the docket number which was assigned by the board to the appeal, if known. Copies of any written communications filed with the board shall be furnished to all other parties or their representatives of record, and the original shall demonstrate compliance with this requirement. All written communications with the board shall be on paper 8 1/2" x 11" in size.

AMENDATORY SECTION (Amending WSR 91-13-038, filed 6/14/91, effective 7/15/91)

WAC 263-12-020 **Appearances of parties before the board.** (1) **Who may appear.**

(a) ~~((In an appeal by an employee or employee representative under the Washington Industrial Safety and Health Act, the cited employer may enter an appearance as prescribed in subsection (2) below and shall thereafter be deemed a party to the appeal.))~~ Any party to any appeal may appear before the board at any conference or hearing held in such appeal, either on the party's own behalf or by an attorney at law or other authorized representative of the party's choosing.

(b) ~~((In an appeal by an employer, under the Washington Industrial Safety and Health Act, an employee or employee representative may enter an appearance as prescribed in subsection (2) below, and shall thereafter be deemed a party to the appeal.))~~ Appeals under the Washington Safety and Health Act.

(i) In an appeal by an employee or employee representative under the Washington Industrial Safety and Health Act,

PROPOSED

the cited employer may enter an appearance as prescribed in subsection (2) below and will be deemed a party to the appeal.

(ii) In an appeal by an employer, under the Washington Industrial Safety and Health Act, an employee or employee representative may enter an appearance as prescribed in subsection (2) below, and will be deemed a party to the appeal.

(c) ~~(Any party to any appeal may appear before the board at any conference or hearing held in such appeal, either on the party's own behalf or by an attorney at law or other authorized representative of the party's choosing)~~ Where the party appears representing himself or herself, he or she may be accompanied, both at conference and at hearing, by a lay person of his or her choosing who shall be permitted to accompany the party into the conference or hearing room and with whom he or she can confer during such procedures.

(d) ~~(Where the party appears representing himself or herself, he or she may be accompanied, both at conference and at hearing, by a lay person of his or her choosing who shall be permitted to accompany the party into the conference or hearing room and with whom he or she can confer during such procedures)~~ Although the industrial appeals judge may not advocate for either party, all parties who appear either at conferences or hearings are entitled to the assistance of the industrial appeals judge presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with the industrial appeals judge's responsibilities to the end that all parties are informed of the procedure which is to be followed and the issues which are involved in the proceedings. Any party who appears representing himself or herself shall be advised by the industrial appeals judge of the burden of proof required to establish a right to the relief being sought.

~~((e) All parties who appear either at conferences or hearings are entitled to the assistance of the industrial appeals judge presiding over the proceeding. Such assistance shall be given in a fair and impartial manner consistent with the industrial appeals judge's responsibilities to the end that all parties clearly understand the procedure which is to be followed and the issues which are involved in the proceedings. Any party who appears representing himself or herself shall be carefully advised by the industrial appeals judge of the burden of proof required to establish a right to the relief being sought.))~~

(2) ~~(Manner of)~~ How to make an appearance.

(a) Appearances shall be made either by:

(i) Filing a written notice of appearance with the board containing the name of the party to be represented, and the name and address of the representative; or by

(ii) Appearing at the time and place of a conference or hearing on the appeal, and notifying the industrial appeals judge ~~(conducting the same)~~ of the party to be represented, and the name and address of the representative.

(b) The appearing party shall furnish ~~((C))~~ copies of every written notice of appearance ~~((shall be furnished by the appearing party))~~ to all other parties or their representatives of record at the time the original notice is filed with the board.

(c) The board shall serve ~~((A))~~ all notices and orders ~~((shall be served by the board upon such))~~ on each representative ~~((in addition to the))~~ and each party represented. Ser-

vice upon the representative shall constitute service upon the party. Where more than one individual associated with a firm, or organization, including the office of the attorney general, has made an appearance, service under this subsection shall be satisfied by serving the individual who filed the notice of appeal, or who last filed a written notice of appearance or, if no notice of appeal or written notice of appearance has been filed on behalf of the party, the individual who last appeared at any proceeding concerning the appeal.

(3) ~~((No formal admission to practice))~~ Lay Representation. Duly authorized lay representatives ~~((shall))~~ may be permitted to appear in proceedings before the board without a formal request or admission to practice before the board so long as the lay representative does not charge a fee or is otherwise compensated for the representation except as provided below:

(a) A worker or beneficiary may be represented by a person employed by the worker's labor union whose duties include handling industrial insurance matters for the union. Lay persons may not represent workers before the board in return for remuneration received from the worker or from the worker's receipt of benefits under this act.

(b) An employer may be represented by a person employed by the employer or employed by a firm that contracts with the employer to handle all matters pertaining to industrial insurance.

(c) Paralegals supervised by an attorney licensed in the state of Washington to practice law may represent any party appealing before the board.

(4) Withdrawal or substitution of representatives. An attorney or other representative withdrawing from a case shall immediately ~~((so))~~ notify the board and all parties of record in writing. The notice of withdrawal shall comply with the rules applicable to notices of withdrawal filed with the superior court in civil cases. Withdrawal shall be subject to approval by the industrial appeals judge or the executive secretary. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record together with the written consent of the prior attorney or representative. If such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

(5) Conduct. ~~((a))~~ All persons appearing as counsel or representatives in proceedings before the board or before its industrial appeals judges shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

(a) Industrial Appeals Judge. If any such person does not conform to such standard, the industrial appeals judge presiding over the ~~((proceeding shall))~~ appeal, at his or her discretion and depending on all the circumstances, may take the following action:

(i) admonish or reprimand such person, or

(ii) exclude such person from further participation in the proceedings and adjourn the same, or

(iii) certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or
(iv) report the matter to the board ~~((which may)).~~

(b) The board. ~~((i))~~ In its discretion, either upon referral by an industrial appeals judge as stated above or on its own

motion, after information comes to light that establishes to the board a question regarding a persons ethical conduct and fitness to practice before the board, and after notice and hearing, may take appropriate disciplinary action including, but not limited to(-):

(i) a letter of reprimand,

(ii) refusal to permit such person to appear in a representative capacity in any proceeding before the board or its industrial appeals judges, or

(iii) certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100.

If the circumstances require, the board may take action as described above prior to notice and hearing if the conduct or fitness of the person appearing before the Board requires immediate action in order to preserve the orderly disposition of the appeal or appeals.

~~((b))~~ (c) Proceedings. If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the industrial appeals judge shall, at his or her discretion and depending on all the circumstances(-):

(i) admonish or reprimand such person, or

(ii) exclude such person from further participation in the proceedings and adjourn the same, or

(iii) certify the facts to the appropriate superior court for contempt proceedings as provided in RCW 51.52.100, or

~~(iv) report the matter to the board~~(, which may, in its discretion, after notice and hearing, take appropriate disciplinary action including, but not limited to, a letter of reprimand, refusal to permit such person to appear in a representative capacity in any proceeding before the board or its industrial appeals judges, or certification of the record to the superior court for contempt proceedings as provided in RCW 51.52.100) for action consistent with (b) above.

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 Order 11, filed 1/18/82)

WAC 263-12-175 Computation of time. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal state holiday, and then it is also excluded. ~~((and the next succeeding business day included.))~~

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 Order 20, filed 1/10/86)

WAC 263-12-180 Petitions for declaratory ruling. (1) Right to petition for declaratory ruling. As prescribed by RCW ~~((34.04.080))~~ 34.05.240, any interested party may petition the board for a declaratory ruling with regard to the board's policies, procedures, and rules.

(2) Form of petition. The form of the petition for a declaratory ruling shall generally adhere to the following:

(a) ~~((At the top of the))~~ On the first page shall appear the wording ~~((("Before the board of industrial insurance appeals, state of Washington." On the left side of the page before the foregoing the following caption shall be set out:))~~ "In the matter of the petition of (name of petitioning party) for a declaratory ruling."

~~((Opposite the foregoing caption shall appear the word "petition."))~~

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the ~~((state of))~~ facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the ~~((prayer of))~~ relief sought by the petitioner. ~~((The petition shall be subscribed and verified in the manner prescribed in these rules.))~~ The petition shall be signed by the petitioner or its representative and contain a statement that the person signing the petition has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

~~((e))~~ The original and two legible copies shall be filed with the board. Petitions shall be on white paper, 8 1/2" x 11" in size.

(3) Consideration of petition. The entire board shall consider the petition, and within a reasonable time shall:

(a) Issue a non-binding declaratory ruling; or

(b) Notify the ~~((person))~~ petitioner that no declaratory ruling is to be issued; or

(c) Set a reasonable time and place for a hearing or for submission of written evidence on the matter, and give reasonable notification to the ~~((person))~~ petitioner of the time and place for such hearing or submission, and of the issues involved.

(4) Disposition of petition. If a hearing is held or evidence is submitted, the board shall, within a reasonable time:

(a) Issue a binding declaratory ruling; or

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the ~~((person))~~ petitioner that no declaratory ruling is to be issued.

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.

PROPOSED

WSR 98-18-087
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed September 2, 1998, 9:27 a.m.]

Original Notice.

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

Title of Rule: Amend Regulation I, Sections 3.06, 3.17, 8.01, 8.02, 8.03, 8.04, 8.06, and 9.16.

Purpose: Add the ability to use credible evidence in enforcement; clarify that all orders may be appealed to the Pollution Control Hearings Board; add definitions; include a new burn ban trigger; add amendments made by the legislature to authorize use of petroleum products for fire training; allow fire districts or county councils to add no-burn areas outside urban growth areas; and make spray coating rule more flexible and effective.

Other Identifying Information: Section 3.06 - Credible Evidence; 3.17 - Appeal of Orders; 8.01 - Definitions; 8.02 - Prohibited Outdoor Fires; 8.03 - Residential and Land-Clearing Fires; 8.04 - General Conditions; 8.06 - Allowable Outdoor Fires; 9.16 - Spray Coating Operations.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: The proposal adds the ability to use credible evidence in enforcement; clarifies that all orders may be appealed; moves definitions to better location; adds new burn ban trigger; adds use of petroleum products for fire training; allows fire districts/county councils to add no-burn areas; and makes spray coating rule more effective.

Reasons Supporting Proposal: To add EPA-required language regarding use of credible evidence; to clarify appeals; to move definitions for ease of use; to add the new burn ban trigger; to add legislature-authorized use of petroleum products for fire training; to add provisions for fire districts and county councils to add no-burn areas that are outside the urban growth areas; to make spray coating rule more effective/flexible.

Name of Agency Personnel Responsible for Drafting: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

Rule is necessary because of federal law, [Credible evidence rule text, Part 51, 52, 60, and 61.]

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal adds the ability to use credible evidence in enforcement; clarifies that all orders may be appealed to the Pollution Control Hearings Board; moves definitions to more convenient location; includes a new burn ban trigger; adds amendments made by the legislature to

authorize use of petroleum products for fire training; allows fire districts or county councils to add no-burn areas that are outside the urban growth areas; and makes the spray coating regulation more flexible and effective.

Proposal Changes the Following Existing Rules: This proposal will add the ability to use credible evidence in enforcement; clarify that all orders may be appealed to the Pollution Control Hearings Board; moves definitions to a more convenient location; includes the new burn ban trigger; adds amendments made by the legislature to authorize use of petroleum products for fire training; allows fire districts or county councils to add no-burn areas that are outside the urban growth areas; and makes the spray coating regulation more flexible and effective.

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

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on October 8, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by October 1, 1998, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by September 28, 1998.

Date of Intended Adoption: October 8, 1998.

August 31, 1998

James Nolan

Director - Compliance

NEW SECTION

REGULATION I SECTION 3.06 CREDIBLE EVIDENCE

For the purpose of establishing whether or not a person has violated or is in violation of any provision of chapter 70.94 RCW, any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in this regulation shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

AMENDATORY SECTION

REGULATION I SECTION 3.17 APPEAL OF ORDERS

(a) Any order of the Board or Control Officer (~~issued pursuant to Section 3.09 of Regulation I~~) may be appealed to the Pollution Control Hearings Board if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt of the order. This is the exclusive means of appeal of such an order.

(b) The Control Officer may stay the effectiveness of an order during the pendency of such an appeal. At any time during the pendency of such an appeal of such an order to the Hearings Board, the appellant may apply to the Hearings Board pursuant to ~~((C))~~chapter 43.21B RCW and ~~((E))~~chapter 371-08 WAC for a stay of the order or for the removal thereof.

(c) Upon failure to comply with any final order of the Board or Control Officer, the attorney for the Agency, upon request of the Board or Control Officer, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary.

NEW SECTION

REGULATION I SECTION 8.01 DEFINITIONS

The following definitions apply to this article:

(a) LAND-CLEARING FIRE means an outdoor fire consisting of residue of a natural character such as trees, stumps, shrubbery, or other natural vegetation arising from land-clearing projects and burned on the lands where the residue originated.

(b) OUTDOOR FIRE means the combustion of material in the open or in a container with no provision for control of the combustion or control of the emissions from the combustion.

(c) PERIOD OF IMPAIRED AIR QUALITY means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 60 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.

(d) RESIDENTIAL FIRE means an outdoor fire no larger than 4 feet in diameter and 3 feet in height consisting of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

AMENDATORY SECTION

REGULATION I SECTION 8.02 PROHIBITED OUTDOOR FIRES ((-PROHIBITED TYPES))

It shall be unlawful for any person to cause or allow any outdoor fire:

(a) During any ~~((stage of an air pollution episode or))~~ period of impaired air quality; or

(b) Containing garbage, dead animals, asphalt, petroleum products (except for training as provided in Sections 8.07 and 8.08), paints, rubber products, plastics or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors, ~~((-or~~

(c) ~~Other than the following types:~~

~~(1) Fires for instruction in the methods of fighting fires, provided the person(s) conducting the training fire complies with the requirements of Section 8.07 or 8.08 of this regulation;~~

~~(2) Fires associated with commercial agricultural operations, provided prior written approval has been issued by the Control Officer in accordance with Section 8.05 of this regulation;~~

~~(3) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources;~~

~~(4) Fires no larger than four feet in diameter and three feet in height consisting of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee, provided a permit has been issued by a fire protection agency, county, or conservation district;~~

~~(5) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects, provided a permit has been issued by a fire protection agency, county, or conservation district;~~

~~(6) Fires consisting solely of charcoal, propane, natural gas, or wood used solely for the preparation of food;~~

~~(7) Fires no larger than four feet in diameter and three feet in height for campfires at designated federal, state, county or city parks and recreation areas;~~

~~(8) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual;~~

~~(9) Fires for abating a fire hazard, provided a fire protection agency or county has determined that no reasonable alternative is available to abate the hazard and prior written approval has been issued to the fire protection agency or county by the Control Officer.))~~

AMENDATORY SECTION

REGULATION I SECTION 8.03 ((OUTDOOR FIRES- PROHIBITED AREAS)) RESIDENTIAL AND LAND-CLEARING FIRES

~~((a) It shall be unlawful for any person to cause or allow any outdoor fire as described in Section 8.02(c)(4) or (5) of this Regulation in any area in which the applicable fire protection agency, county, or conservation district has determined not to issue burning permits for outdoor fires pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780.))~~

~~((b))~~ (a) It shall be unlawful for any person to cause or allow any ~~((outdoor))~~ residential or land-clearing fire ~~((as described in Section 8.02(c)(4) or (5) of this Regulation))~~ within the Urban Growth Areas as defined by RCW 36.70A.030 for Snohomish, King, and Pierce Counties. In addition, after December 31, 2000, it shall be unlawful for any person to cause or allow any residential or land-clearing

PROPOSED

fire within the Urban Growth Area as defined by RCW 36.70A.030 for Kitsap County.

(b) It shall be unlawful for any person to cause or allow any residential or land-clearing fire in any area outside the Urban Growth Area where the Board of Fire Commissioners for a fire district or the County Council has adopted an ordinance or resolution requesting that the Agency prohibit residential or land-clearing fires. In adopting such an ordinance or resolution, the Board of Fire Commissioners for a fire district or the County Council should consider the population density in the area and the availability of reasonably economical alternatives to outdoor burning.

(c) Residential and land-clearing fires are allowed in areas other than those described in Sections 8.03 (a) and (b), except that it shall be unlawful for any person to cause or allow any residential or land-clearing fire in any area where the applicable fire district does not issue permits for outdoor fires.

AMENDATORY SECTION

REGULATION I SECTION 8.04 GENERAL CONDITIONS

(a) The provisions of Sections 9.03, 9.05, and 9.15 of Regulation I shall not apply to outdoor fires.

(b) Nothing contained in Article 8 shall be construed to allow outdoor fires in those areas in which open burning is prohibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(c) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with ((Section 11.101-09)) the Uniform Fire Code.

NEW SECTION

REGULATION I SECTION 8.06 ALLOWABLE OUTDOOR FIRES

The following types of outdoor fires are allowed throughout King, Pierce, Kitsap, and Snohomish counties (including Urban Growth Areas), except during periods of impaired air quality:

(a) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources;

(b) Fires no larger than 4 feet in diameter and 3 feet in height consisting of wood used solely for the preparation of food. (The use of gas or charcoal barbecues is allowed at all times, including periods of impaired air quality.);

(c) Fires no larger than 4 feet in diameter and 3 feet in height for campfires at designated federal, state, county, or city parks and recreation areas;

(d) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual;

(e) Fires for abating a fire hazard or a public health or safety hazard, provided a fire protection agency, city, or county has determined that no reasonable alternative is available to abate the hazard and prior written approval has been issued to the fire protection agency, city, or county by the Control Officer;

(f) Fires for disposing of storm or flood-related natural vegetation, provided a fire protection agency, city, or county has made a determination that no reasonable alternative is available to dispose of the natural vegetation and prior written approval has been issued to the fire protection agency, city, or county by the Control Officer;

(g) Fires associated with commercial agricultural operations, provided prior written approval has been issued by the Control Officer in accordance with Section 8.05 of this regulation; and

(h) Fires for instruction in the methods of fighting fires, provided the person(s) conducting the training fire complies with the requirements of Sections 8.07 and 8.08 of this regulation.

AMENDATORY SECTION

REGULATION I SECTION 9.16 SPRAY COATING OPERATIONS

(a) Applicability. This section applies to spray coating operations at facilities subject to Articles 5, 6, and 7 of Regulation I, where a coating that protects or beautifies the substrate is applied with spray equipment using compressed air, airless, or hydraulic atomization methods. The following activities are exempt from this section:

(1) Application of architectural coatings to stationary structures (e.g., bridges, water towers, buildings, or similar structures);

(2) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG;

(3) Use of high volume, low pressure (HVLP) spray guns with a cup capacity of 8 fluid ounces or less when used to spray-coat less than 9 square feet per day per site and with coatings purchased in containers of 1 quart or less;

(4) Use of air brush spray equipment with 0.5 to 2.0 CFM air flow and a maximum cup capacity of 2 fluid ounces;

(5) Use of non-refillable, hand-held aerosol spray cans with a capacity of 1 quart or less; and

(6) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100°F.

(b) General Requirements for Indoor Spray Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray coating inside a structure, or spray coating of motor vehicles or motor vehicle components, unless the spray coating is conducted inside an enclosed spray area. The enclosed spray area shall

employ either properly seated, dry filters specifically designed for the spray coating operation, or water-wash curtains with a continuous water curtain to control the overspray. The exhaust from the spray area shall be vented to the atmosphere through an unobstructed vertical exhaust vent, e.g., a butterfly valve.

(c) General Requirements for Outdoor Spray Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray coating outside an enclosed structure unless all of the following measures are employed to prevent odors and overspray:

(1) Effective containment shall be used, e.g., tarping, shrink-wrap, or mobile enclosure;

(2) Spray coating operations shall not be conducted during windy periods that would render containment ineffective;

(3) High transfer efficiency spray equipment that minimizes overspray shall be used, e.g., HVLP, low pressure low volume (LPLV), electrostatic, or air assisted airless; and

(4) Spray coating operations shall be located as far upwind from the nearest neighbor as is practicable.

(d) Alternative Spray Coating Method. PSAPCA may approve an alternative spray coating method pursuant to the provisions of Section 3.23 of Regulation I.

~~((a) It shall be unlawful for any person to cause or allow the use of spray equipment to apply any VOC-containing material, including any negligibly reactive compound, unless the operation is conducted inside an enclosed spray area that is registered with the Agency and incorporates either dry filters or water wash curtains to control the overspray or the use of another technique that has received the prior written approval of the Control Officer. The exhaust from the spray area shall be vented to the atmosphere through a vertical stack or through the use of another technique that has received the prior written approval of the Control Officer.~~

~~(b) The provisions of Section 9.16 shall not apply to:~~

~~(1) the use of hand-held aerosol cans;~~

~~(2) touch-up operations;~~

~~(3) the coating of marine vessels in dry docks;~~

~~(4) the coating of bridges, water towers, buildings or similar structures;~~

~~(5) insecticide, pesticide, or fertilizer spray equipment;~~

~~(6) the coating of items that cannot be reasonably handled in an enclosed spray area, provided the operation has received the prior written approval of the Control Officer.~~

~~(c) The provisions of Section 9.16 shall become effective January 1, 1992.))~~

WSR 98-18-088
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed September 2, 1998, 9:31 a.m.]

Original Notice.

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

Title of Rule: Amend Regulation III, Appendix A.

Purpose: To move the definition of Acceptable Source Impact Level to Appendix A.

Other Identifying Information: Appendix A lists the Acceptable Source Impact Levels.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: The definition of Acceptable Source Impact Level will be added to Appendix A for convenience.

Reasons Supporting Proposal: The definition should be located in Appendix A in order to make it easier for users of the regulations.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4065; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal moves the definition of Acceptable Source Impact Level into Appendix A for the convenience of users of the regulation.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on October 8, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by October 1, 1998, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by September 28, 1998.

Date of Intended Adoption: October 8, 1998.

August 31, 1998

Gerald Pade

Engineer II

AMENDATORY SECTION

((06/12/95)) 11/98

See last page for key.

**APPENDIX A, REGULATION III
ACCEPTABLE SOURCE IMPACT LEVELS**

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
ANTU.....	86-88-4	1.0	B
✓ Acetaldehyde.....	75-07-0	0.45	A
✓ Acetamide.....	60-35-5	TBD	B
Acetic acid.....	64-19-7	83	B
Acetic anhydride.....	108-24-7	67	B
Acetone.....	67-64-1	5900	B
✓ Acetonitrile.....	75-05-8	220	B
✓ Acetophenone.....	98-86-2	TBD	B
✓ 2-Acetylaminofluorene.....	53-96-3	TBD	A
Acetylene tetrabromide.....	79-27-6	47	B
✓ Acrolein.....	107-02-8	0.02	B
✓ Acrylamide.....	79-06-1	0.00077	A
✓ Acrylic acid.....	79-10-7	0.30	B
✓ Acrylonitrile.....	107-13-1	0.015	A
Aldrin.....	309-00-2	0.0002	A
Allyl alcohol.....	107-18-6	17	B
✓ Allyl chloride.....	107-05-1	1.0	B
Allyl glycidyl ether (AGE).....	106-92-3	77	B
Allyl propyl disulfide.....	2179-59-1	40.0	B
Aluminum, Al alkyls.....	7429-90-5	6.7	B
Aluminum, as Al metal dusts.....	7429-90-5	33	B
Aluminum, as Al pyro powders.....	7429-90-5	17	B
Aluminum, as Al soluble salts.....	7429-90-5	6.7	B
Aluminum, as Al welding fumes.....	7429-90-5	17	B
2-Aminoanthraquinone.....	117-79-3	TBD	A
o-Aminoazotoluene.....	97-56-3	TBD	A
✓ 4-Aminobiphenyl.....	92-67-1	TBD	A
2-Aminopyridine.....	504-29-0	6.3	B
Amitrole.....	61-82-5	0.06	C
Ammonia.....	7664-41-7	100	B
Ammonium chloride fumes.....	12125-02-9	33	B
Ammonium perfluorooctanoate.....	3825-26-1	0.33	B
Ammonium sulfamate.....	7773-06-0	33	B
n-Amyl acetate.....	628-63-7	1800	B
sec-Amyl acetate.....	626-38-0	2200	B
✓ Aniline.....	62-53-3	6.3	A
✓ Aniline and homologues.....	62-53-3	1.0	B
Anisidine (o-,p- isomers).....	29191-52-4	1.7	B
✓ o-Anisidine.....	90-04-0	1.7	C
✓ Antimony & compounds, as Sb.....	7440-36-0	1.7	B
Antimony trioxide, as Sb.....	1309-64-4	1.7	B
✓ Arsenic and inorganic arsenic compounds.....	7440-38-2	0.00023	A
✓ Arsine.....	7784-42-1	0.53	B
✓ Asbestos (Note: fibers/ml).....	1332-21-4	0.000044	A
Asphalt (petroleum) fumes.....	8052-42-4	17	B
Atrazine.....	1912-24-9	17	B
Auramine (technical grade).....	2465-27-2	TBD	A
Azinphos-methyl.....	86-50-0	0.67	B
✓ Aziridine (Ethylene imine).....	151-56-4	2.9	B
Barium, soluble compounds Ba.....	7440-39-3	1.7	B
Benomyl.....	17804-35-2	33	B
✓ Benzene.....	71-43-2	0.12	A
✓ Benzidine and its salts.....	92-87-5	0.000015	A
Benzo(a)anthracene.....	56-55-3	TBD	A
Benzo(a)pyrene.....	50-32-8	0.00048	A
Benzo(b)fluoranthene.....	205-99-2	TBD	A
Benzo(j)fluoranthene.....	205-82-3	TBD	A
Benzo(k)fluoranthene.....	207-08-9	TBD	A
✓ Benzotrichloride.....	98-07-7	TBD	B
Benzoyl peroxide.....	94-36-0	17	B
✓ Benzyl chloride.....	100-44-7	17	B
Benzyl violet 4b.....	1694-09-3	TBD	A
✓ Beryllium and its compounds.....	7440-41-7	0.00042	A
✓ Biphenyl.....	92-52-4	4.3	B
✓ Bis(2-chloroethyl)ether (Dichloroethyl ether).....	111-44-4	0.003	A
✓ Bis(chloromethyl)ether.....	542-88-1	0.000016	A
✓ Bis(2-ethylhexyl)phthalate (DEHP; Di(2-ethylhexyl)phthalate).....	117-81-7	2.5	A
Bismuth telluride.....	1304-82-1	33	B
Bismuth telluride Se doped.....	1304-82-1	17	B
Borates, anhydrous.....	1303-96-4	3.3	B
Borates, decahydrate.....	1303-96-4	17	B
Borates, pentahydrate.....	1303-96-4	3.3	B
Boron oxide.....	1303-86-2	33	B

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Boron tribromide.....	10294-33-4.....	33.....	B
Boron trifluoride.....	76737-07-2.....	9.3.....	B
Bromacil.....	314-40-9.....	33.....	B
Bromine.....	7726-95-6.....	2.2.....	B
Bromine pentafluoride.....	7789-30-2.....	2.4.....	B
✓ Bromoform.....	75-25-2.....	0.91.....	A
✓ Bromomethane (Methyl bromide).....	74-83-9.....	5.0.....	B
✓ 1,3-Butadiene.....	106-99-0.....	0.0036.....	A
Butane.....	106-97-8.....	6300.0.....	B
✓ 2-Butanone (Methyl ethyl ketone).....	78-93-3.....	1000.....	B
2-Butoxyethanol (Butyl cellosolve).....	111-76-2.....	400.....	B
n-Butyl acetate.....	123-86-4.....	2400.....	B
sec-Butyl acetate.....	105-46-4.....	3200.....	B
tert-Butyl acetate.....	540-88-5.....	3200.....	B
Butyl acrylate.....	141-32-2.....	170.....	B
n-Butyl alcohol.....	71-36-3.....	500.....	B
sec-Butyl alcohol.....	78-92-2.....	1000.....	B
tert-Butyl alcohol.....	75-65-0.....	1000.....	B
tert-Butyl chromate, as CrO ₃	1189-85-1.....	0.33.....	B
n-Butyl glycidyl ether (BGE).....	2426-08-6.....	440.....	B
n-Butyl lactate.....	138-22-7.....	83.....	B
n-Butyl mercaptan.....	109-79-5.....	6.0.....	B
n-Butylamine.....	109-73-9.....	50.0.....	B
✓ 1,2-Butylene oxide (1,2-Epoxybutane).....	106-88-7.....	20.....	B
o-sec-Butylphenol.....	89-72-5.....	100.....	B
p-tert-Butyltoluene.....	98-51-1.....	200.....	B
β-Butyrolactone.....	3068-88-0.....	TBD.....	A
✓ Cadmium and compounds.....	7440-43-9.....	0.00056.....	A
✓ Calcium cyanamide.....	156-62-7.....	1.7.....	B
Calcium hydroxide.....	1305-62-0.....	17.....	B
Calcium oxide.....	1305-78-8.....	6.7.....	B
Camphor, synthetic.....	76-22-2.....	40.....	B
✓ Caprolactam, dusts.....	105-60-2.....	3.3.....	B
✓ Caprolactam, vapors.....	105-60-2.....	67.....	B
Captafol.....	2425-06-1.....	0.33.....	B
✓ Captan.....	133-06-2.....	17.....	B
✓ Carbaryl.....	63-23-2.....	17.....	B
Carbofuran.....	1563-66-2.....	0.33.....	B
Carbon black.....	1333-86-4.....	12.....	B
✓ Carbon disulfide.....	75-15-0.....	100.....	B
Carbon tetrabromide.....	558-13-4.....	4.7.....	B
✓ Carbon tetrachloride.....	56-23-5.....	0.067.....	A
Carbonyl fluoride.....	353-50-4.....	18.....	B
✓ Carbonyl sulfide.....	463-58-1.....	TBD.....	B
✓ Catechol.....	120-80-9.....	77.....	B
Cellosolve (2-Ethoxyethanol).....	110-80-5.....	200.....	B
Cesium hydroxide.....	110-80-5.....	6.7.....	B
✓ Chloramben.....	21351-79-1.....	6.7.....	B
✓ Chlordane.....	133-90-4.....	TBD.....	B
✓ Chlorinated camphene (Toxaphene).....	57-74-9.....	0.0027.....	A
Chlorinated diphenyl oxide (hexachlorophenyl ether).....	8001-35-2.....	0.0031.....	A
✓ Chlorine.....	5720-99-5.....	1.7.....	B
Chlorine dioxide.....	7782-50-5.....	5.0.....	B
Chlorine trifluoride.....	10049-04-4.....	0.2.....	B
1-Chloro-1-nitropropane.....	7790-91-2.....	1.3.....	B
Chloroacetaldehyde.....	600-25-9.....	33.....	B
✓ Chloroacetic acid.....	107-20-0.....	11.....	B
✓ α-Chloroacetophenone.....	79-11-8.....	TBD.....	B
Chloroacetyl chloride.....	532-27-4.....	1.1.....	B
o-Chlorobenzylidene malononitrile.....	79-04-9.....	0.67.....	B
✓ Chlorobenzene.....	2698-41-1.....	1.3.....	B
✓ Chlorobenzilate.....	108-90-7.....	150.....	B
Chlorobromomethane.....	510-15-6.....	0.2.....	A
Chlorodifluoromethane.....	74-97-5.....	3500.....	B
✓ Chloroethane (Ethyl chloride).....	75-45-6.....	12000.....	B
✓ Chloroform.....	75-00-3.....	10000.....	B
✓ Chloromethane (Methyl chloride).....	67-66-3.....	0.043.....	A
✓ Chloromethyl methyl ether (technical grade).....	74-87-3.....	340.....	B
Chloropentafluoroethane.....	107-30-2.....	TBD.....	A
Chlorophenols.....	76-15-3.....	21000.....	B
Chloropicrin.....	108-43-0.....	0.18.....	A
✓ β-Chloroprene.....	76-06-2.....	2.2.....	B
o-Chlorostyrene.....	126-99-8.....	120.0.....	C
o-Chlorotoluene.....	2039-87-4.....	940.....	B
Chlorpyrifos.....	95-49-8.....	860.....	B
✓ Chromium (II) compounds, as Cr.....	2921-88-2.....	0.67.....	B
✓ Chromium (III) compounds, as Cr.....	7440-47-3.....	1.7.....	B
✓ Chromium (VI) compounds.....	7440-47-3.....	0.00083.....	A
Chromyl chloride.....	7440-47-3.....	1.7.....	B
Chromyl chloride.....	14977-61-8.....	0.53.....	B
Clpitol.....	2971-90-6.....	33.....	B
✓ Cobalt as Co, metals, dusts and fumes.....	7440-48-4.....	0.17.....	B
Cobalt carbonyl as Co.....	10210-68-1.....	0.33.....	B
Cobalt hydrocarbonyl.....	16842-03-8.....	0.33.....	B
✓ Coke oven emissions.....	81 103*.....	0.0016.....	A
Copper as Cu, dusts and mists.....	7440-50-8.....	3.3.....	B

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Copper, fumes.....	7440-50-8.....	0.67	B
Cotton dust, raw.....	81106*.....	0.67	B
Creosote.....	8001-53-9.....	TBD	A
✓ Cresol, all isomers.....	1319-77-3.....	73	B
Crotonaldehyde.....	4170-30-3.....	20.0	B
Cruformate.....	299-86-5.....	17	B
✓ Cumene (Isopropylbenzene).....	98-82-8.....	820	B
Cupferron.....	135-20-6.....	TBD	A
Cyanamide.....	420-04-2.....	6.7	B
✓ Cyanides, as CN.....	51-12-5.....	17	B
Cyanogen.....	460-19-5.....	6.7	B
Cyanogen chloride.....	506-77-4.....	2.5	B
✓ 1,4-Cyclohexadienedione (Quinone).....	106-51-4.....	1.5	B
Cyclohexane.....	110-82-7.....	3400	B
Cyclohexanol.....	108-93-0.....	690	B
Cyclohexanone.....	108-94-1.....	330	B
Cyclohexene.....	110-83-8.....	3400	B
Cyclohexylamine.....	108-91-8.....	140	B
Cyclonite.....	121-82-4.....	5.0	B
Cyclopentadiene.....	542-92-7.....	680	B
Cyclopentane.....	287-92-3.....	5700	B
Cyhexatin.....	13121-70-5.....	17	B
✓ 2,4-D salts and esters (2,4-Dichlorophenoxy acetic acid).....	94-75-7.....	33.0	C
✓ DDE (p,p'-Dichlorodiphenyldichloroethylene).....	3547-04-4.....	0.1	A
DDT (1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane).....	50-29-3.....	0.01	A
Decaborane.....	17702-41-9.....	0.83	B
Demeton.....	8065-48-3.....	0.37	B
✓ Di(2-ethylhexyl)phthalate (Bis(2-ethylhexyl)phthalate; DEHP).....	117-81-7.....	2.5	A
Diacetone alcohol.....	123-42-2.....	790	B
N,N-Diacetylbenzidine.....	613-35-4.....	TBD	A
4,4'-Diaminodiphenyl ether.....	101-80-4.....	TBD	A
Diazinon.....	333-41-5.....	0.33	B
✓ Diazomethane.....	334-88-3.....	1.1	B
Dibenz(a,h)acridine.....	226-36-8.....	TBD	A
Dibenz(a,h)anthracene.....	53-70-3.....	TBD	A
Dibenz(a,j)acridine.....	224-42-0.....	TBD	A
Dibenzo(a,e)pyrene.....	192-65-4.....	TBD	A
Dibenzo(a,h)pyrene.....	189-64-0.....	TBD	A
Dibenzo(a,l)pyrene.....	191-30-0.....	TBD	A
✓ Dibenzofurans.....	132-64-9.....	TBD	A
1,2,7,8-Dibenzopyrene(Dibenzo(a,i)pyrene).....	189-55-9.....	TBD	A
Diborane.....	19287-45-7.....	0.37	B
✓ 1,2-Dibromo-3-chloropropane.....	96-12-8.....	0.20	B
Dibutyl phosphate.....	107-66-4.....	29	B
✓ Dibutyl phthalate.....	84-74-2.....	17	B
2-N-Dibutylaminoethanol.....	102-81-8.....	47	B
Dichloroacetylene.....	7572-29-4.....	1.3	B
✓ 1,4-Dichlorobenzene (p-Dichlorobenzene).....	106-46-7.....	1.5	A
o-Dichlorobenzene (1,2-Dichlorobenzene).....	95-50-1.....	1000	B
✓ 3,3'-Dichlorobenzidine.....	91-94-1.....	0.077	A
1,4-Dichloro-2-butene.....	764-41-0.....	0.00038	A
3,3'-Dichloro-4,4'-diaminodiphenyl ether.....	28434-86-8.....	TBD	A
Dichlorodifluoromethane.....	75-71-8.....	16000	B
1,3-Dichloro-5,5-dimethylhydantoin.....	118-52-5.....	0.67	B
✓ p,p'-Dichlorodiphenyldichloroethylene (DDE).....	3547-04-4.....	0.1	A
✓ 1,1-Dichloroethane (Ethylidene dichloride).....	75-34-3.....	2700	B
✓ 1,2-Dichloroethane (Ethylene dichloride).....	107-06-2.....	0.038	A
✓ Dichloroethyl ether (Bis (2-chloroethyl)ether).....	111-44-4.....	0.003	A
✓ 1,1-Dichloroethylene (Vinylidene chloride).....	75-35-4.....	67	B
1,2-Dichloroethylene.....	540-59-0.....	2600	B
Dichlorofluoromethane.....	75-43-4.....	130	B
✓ Dichloromethane (Methylene chloride).....	75-09-2.....	0.56	A
1,1-Dichloro-1-nitroethane.....	594-72-9.....	40	B
Dichlorophenylarsine (arsenic group).....	696-28-6.....	TBD	A
✓ 1,2-Dichloropropane (Propylene dichloride).....	78-87-5.....	4.0	C
✓ Dichloropropene.....	542-75-6.....	20	B
2,2-Dichloropropionic acid.....	75-99-0.....	19	B
Dichlorotetrafluoroethane.....	76-14-2.....	23000	B
✓ Dichlorvos.....	62-73-7.....	3.3	B
Dicrotophos.....	141-66-2.....	0.83	B
Dicyclopentadiene.....	77-73-6.....	100	B
Dicyclopentadienyl iron.....	102-54-5.....	33	B
Dieldrin.....	60-57-1.....	0.00022	A
✓ Diethanolamine.....	111-42-2.....	43	B
Diethyl ketone.....	96-22-0.....	2300	B
Diethyl nitrosamine (DEN; N-Nitrosodiethylamine).....	55-18-5.....	TBD	A
Diethyl phthalate.....	84-66-2.....	17	B
✓ Diethyl sulfate.....	64-67-5.....	TBD	B
Diethylamine.....	109-89-7.....	100	B
Diethylaminoethanol.....	100-37-8.....	170	B
Diethylene triamine.....	111-40-0.....	14	B
1,2-Diethylhydrazine.....	1615-80-1.....	TBD	A
Difluorodibromomethane.....	75-61-6.....	2900	B
Diglycidyl ether.....	2238-07-5.....	1.7	B
Diglycidyl resorcinol ether.....	101-90-6.....	TBD	A
Diisobutyl ketone.....	108-83-8.....	480	B

Diisopropylamine.....	108-18-9.....	67.....	B
✓3,3'-Dimethoxybenzidine (ortol-dianisidine).....	119-90-4.....	TBD.....	A
✓Dimethyl aminoazobenzene.....	60-11-7.....	TBD.....	B
✓3,3'-Dimethyl benzidine.....	119-93-7.....	0.0038.....	A
✓Dimethyl carbamoyl chloride.....	79-44-7.....	TBD.....	B
✓Dimethyl phthalate.....	131-11-3.....	17.....	B
✓Dimethyl sulfate.....	77-78-1.....	1.7.....	C
Dimethylacetamide.....	127-19-5.....	120.....	B
Dimethylamine.....	124-40-3.....	60.....	B
✓Dimethylaniline (Diethyl aniline).....	121-69-7.....	83.....	B
✓Dimethylformamide.....	68-12-2.....	30.....	B
✓1,1-Dimethylhydrazine.....	57-14-7.....	4.0.....	B
1,2-Dimethylhydrazine.....	540-73-8.....	4.0.....	C
✓Dimethylnitrosoamine (N-Nitrosodimethylamine).....	62-75-9.....	0.000071.....	A
Dinitolmide.....	148-01-6.....	17.....	B
✓Dinitro-o-cresol.....	534-52-1.....	0.67.....	B
Dinitrobenzene, all isomers.....	528-29-0.....	3.3.....	B
✓2,4-Dinitrophenol.....	51-28-5.....	TBD.....	B
✓2,4-Dinitrotoluene.....	121-14-2.....	5.0.....	B
✓1,4-Dioxane (1,4-Diethyleneoxide).....	123-91-1.....	0.032.....	A
Dioxathion.....	78-34-2.....	0.67.....	B
Dioxins and furans.....	43110*.....	TBD.....	A
Diphenylamine.....	122-39-4.....	33.....	B
✓1,2-Diphenyl hydrazine.....	122-66-7.....	0.0045.....	A
Dipropyl ketone.....	123-19-3.....	780.....	B
Dipropylene glycol methyl ether.....	34590-94-8.....	2000.....	B
Diquat.....	85-00-7.....	1.7.....	B
Disulfiram.....	97-77-8.....	6.7.....	B
Disulfoton.....	298-04-4.....	0.33.....	B
2,6-Ditert butyl-p-cresol.....	128-37-0.....	33.....	B
Diuron.....	330-54-1.....	33.....	B
Divinyl benzene.....	1321-74-0.....	180.....	B
EPN.....	2104-64-5.....	1.7.....	B
Endosulfan.....	115-29-7.....	0.33.....	B
Endrin.....	72-20-8.....	0.33.....	B
Enflurane.....	13838-16-9.....	1900.....	B
✓Epichlorohydrin (1-Chloro-2,3-epoxypropane).....	106-89-8.....	0.83.....	A
✓1,2-Epoxybutane (1,2-Butylene oxide).....	106-88-7.....	20.....	B
Ethanolamine.....	141-43-5.....	25.....	B
Ethion.....	563-12-2.....	1.3.....	B
2-Ethoxyethanol (Cellosolve).....	110-80-5.....	200.....	B
2-Ethoxyethyl acetate.....	111-15-9.....	90.....	B
Ethyl acetate.....	141-78-6.....	4800.....	B
✓Ethyl acrylate.....	140-88-5.....	66.....	B
Ethyl alcohol.....	64-17-5.....	6300.....	B
Ethyl amyl ketone.....	541-85-5.....	440.....	B
✓Ethyl benzene.....	100-41-4.....	1000.....	B
Ethyl bromide.....	74-96-4.....	3000.....	B
Ethyl butyl ketone.....	106-35-4.....	780.....	B
✓Ethyl carbamate (Urethan).....	51-79-6.....	TBD.....	B
✓Ethyl chloride (Chloroethane).....	75-00-3.....	10000.....	B
Ethyl ether.....	60-29-7.....	4000.....	B
Ethyl formate.....	109-94-4.....	1000.....	B
Ethyl mercaptan.....	75-08-1.....	4.3.....	B
Ethyl silicate.....	78-10-4.....	280.....	B
Ethylamine.....	75-04-7.....	60.....	B
✓Ethylene dichloride (1,2-Dichloroethane).....	107-06-2.....	0.038.....	A
Ethylene chlorohydrin.....	107-07-3.....	11.....	B
Ethylene diamine.....	107-15-3.....	83.....	B
✓Ethylene dibromide (1,2-Dibromoethane).....	106-93-4.....	0.0045.....	A
✓Ethylene glycol.....	107-21-1.....	420.....	B
Ethylene glycol dinitrate.....	628-96-6.....	1.0.....	B
✓Ethylene imine (Aziridine).....	151-56-4.....	2.9.....	B
✓Ethylene oxide.....	75-21-8.....	0.010.....	A
✓Ethylene thiourea.....	96-45-7.....	1.0.....	A
✓Ethylidene dichloride (1,1-Dichloroethane).....	75-34-3.....	2700.....	B
Ethylidene norbornene.....	16219-75-3.....	83.....	B
N-Ethylmorpholine.....	100-74-3.....	77.....	B
Fenamiphos.....	22224-92-6.....	0.33.....	B
Fensulfothion.....	115-90-2.....	0.33.....	B
Fenthion.....	55-38-9.....	0.67.....	B
Ferbam.....	14484-64-1.....	33.....	B
Ferrovandium dust.....	12604-58-9.....	3.3.....	B
Fibrous glass dust.....	81111*.....	33.....	B
✓Fine mineral fibers.....	81104*.....	33.....	B
Fluorides, as F.....	16984-48-8.....	8.3.....	B
Fluorine.....	7782-41-4.....	5.3.....	B
Fonofos.....	944-22-9.....	0.33.....	B
✓Formaldehyde.....	50-00-0.....	0.077.....	A
Formamide.....	75-12-7.....	60.....	B
Formic acid.....	64-18-6.....	31.....	B
Furazolidone.....	67-45-8.....	TBD.....	A
Furfural.....	98-01-1.....	26.....	B
Furfuryl alcohol.....	98-00-1.....	130.....	B
Furium (nitrofurane group).....	43111*.....	TBD.....	A

PROPOSED

Germanium tetrahydride	7782-65-2	2.1	B
Glutaraldehyde	111-30-8	2.5	B
Glyciadialdehyde	765-34-4	TBD	A
Glycidol	556-52-5	2.50	B
✓ Glycol ethers	43107*	TBD	B
Hafnium	7440-58-6	1.7	B
Halothane	151-67-7	1300	B
✓ Heptachlor	76-44-8	0.00077	A
Heptane (n-Heptane)	142-82-5	5500	B
✓ Hexachlorobenzene	118-74-1	0.0022	A
✓ Hexachlorobutadiene	87-68-3	0.70	B
Hexachlorocyclohexane (Lindane) Alpha (BHC)	319-84-6	1.7	C
Hexachlorocyclohexane (Lindane) Beta (BHC)	319-85-7	1.7	C
✓ Hexachlorocyclohexane (Lindane) Gamma (BHC)	58-89-9	0.0026	A
✓ Hexachlorocyclopentadiene	77-47-4	0.33	B
1,2,3,6,7,8-Hexachloro-dibenzo-o-dioxin (1:2 mixture)	3465-46-8	TBD	A
1,2,3,7,8,9-Hexachloro-dibenzo-o-dioxin (1:2 mixture)	19408-74-3	TBD	A
✓ Hexachloroethane	67-72-1	32.0	B
Hexachloronaphthalene	1335-87-1	0.67	B
Hexachlorophenyl ether (Chlorinated diphenyl oxide)	55720-99-5	1.7	B
Hexafluoroacetone	684-16-2	2.3	B
✓ Hexamethylene diisocyanate	822-06-0	0.11	B
✓ Hexamethylphosphoramide	680-31-9	TBD	A
✓ Hexane (n-Hexane)	110-54-3	200	B
Hexane, other isomers	43103*	5900	B
2-Hexanone (Methyl butyl ketone)	591-78-6	67	B
✓ Hexone (Methyl isobutyl ketone (MIBK))	108-10-1	680	B
sec-Hexyl acetate	108-84-9	980	B
Hexylene glycol	107-41-5	400	B
✓ Hydrazine	302-01-2	0.0002	A
Hydrogen bromide	10035-10-6	33	B
✓ Hydrogen chloride (Hydrochloric acid)	7647-01-0	7.0	B
Hydrogen cyanide	74-90-8	37	B
✓ Hydrogen fluoride, as F (Hydrofluoric acid)	7664-39-3	8.7	B
Hydrogen peroxide	7722-84-1	4.7	B
Hydrogen selenide, as Se	7783-07-5	0.53	B
Hydrogen sulfide	7783-06-4	0.9	B
✓ Hydroquinone	123-31-9	6.7	B
2-Hydroxypropyl acrylate	999-61-1	9.3	B
Indene	95-13-6	160	B
Indeno(1,2,3-cd)pyrene	193-39-5	TBD	A
Indium, & compounds as In	7440-74-6	0.33	B
Iodine	7553-56-2	3.3	B
Iodoform	75-47-8	33	B
✓ Iodomethane (Methyl iodide)	74-88-4	40	B
Iron oxide fumes, Fe ₂ O ₃ as Fe	1309-37-1	17	B
Iron pentacarbonyl, as Fe	13463-40-6	0.83	B
Iron salts, soluble as Fe	81101*	3.3	B
Isoamyl acetate	123-92-2	1700	B
Isoamyl alcohol	123-51-3	1200	B
Isobutyl acetate	110-19-0	2400	B
Isobutyl alcohol	78-83-1	510	B
Isocytl alcohol	26952-21-6	890	B
✓ Isophorone	78-59-1	93	B
Isophorone diisocyanate	4098-71-9	0.15	B
Isopropoxyethanol	109-59-1	350	B
Isopropyl acetate	108-21-4	3500	B
Isopropyl alcohol	67-63-0	3300	B
Isopropyl ether	108-20-3	3500	B
Isopropyl glycidyl ether (IGE)	4016-14-2	790	B
Isopropyl oils	43112*	TBD	A
Isopropylamine	75-31-0	40	B
N-Isopropylaniline	768-52-5	37	B
✓ Isopropylbenzene (Cumene)	98-82-8	820	B
Ketene	463-51-4	2.9	B
Lead acetate	301-04-2	TBD	A
Lead arsenate, as Pb ₃ (AsO ₄) ₂	3687-31-8	0.50	B
Lead chromate, as Cr	7758-97-6	0.40	B
✓ Lead compounds	81109*	0.5	C
Lead phosphate	7446-27-7	TBD	A
Liquified petroleum gas	68476-85-7	6000	B
✓ Lindane	58-89-9	0.0026	A
Lithium hydride	7580-67-8	0.080	B
Magnesium oxide fumes	1309-48-4	33	B
Malathion	121-75-5	33	B
✓ Maleic anhydride	108-31-6	3.3	B
✓ Manganese, dusts and compounds	7439-96-5	0.40	B
✓ Manganese, fumes	7439-96-5	3.3	B
Manganese cyclopentadienyl tricarbonyl	12079-65-1	0.33	B
✓ Mercury, Aryl & inorganic compounds	7439-97-6	0.33	B
✓ Mercury, as fig Alkyl compounds	7439-97-6	0.33	B

PROPOSED

✓Mercury, vapors except alkyl	7439-97-6.....	0.17.....	B
Mesityl oxide	141-79-7.....	200.....	B
Methacrylic acid.....	79-41-4.....	230.....	B
Methomyl.....	16752-77-5.....	8.3.....	B
✓Methoxychlor.....	72-43-5.....	33.....	B
2-Methoxyethanol (methyl cellosolve).....	109-86-4.....	20.....	B
2-Methoxyethyl acetate.....	110-49-6.....	80.....	B
4-Methoxyphenol.....	150-76-5.....	17.....	B
2-Methyl-1-nitroanthraquinone.....	129-15-7.....	TBD.....	A
Methyl 2-cyanoacrylate.....	137-05-3.....	30.....	B
Methyl acetate.....	79-20-9.....	2000.....	B
Methyl acetylene.....	74-99-7.....	5500.....	B
Methyl acetylene-propadiene mixture (MAPP).....	59355-75-8.....	5500.....	B
Methyl acrylate.....	96-33-3.....	120.....	B
✓Methyl alcohol (Methanol).....	67-56-1.....	870.....	B
N-Methyl aniline.....	100-61-8.....	7.3.....	B
✓2-Methyl aziridine (1,2-Propylene imine).....	75-55-8.....	16.....	B
Methyl azoxymethyl acetate.....	592-62-1.....	TBD.....	A
✓Methyl bromide (Bromomethane).....	74-83-9.....	5.0.....	B
Methyl cellosolve (2-Methoxyethanol).....	109-86-4.....	20.....	B
✓Methyl chloride (Chloromethane).....	74-87-3.....	340.....	B
✓Methyl chloroform (1,1,1-Trichloroethane).....	71-55-6.....	6400.....	B
Methyl demeton.....	8022-00-2.....	1.7.....	B
✓Methyl ethyl ketone (MEK; 2-Butanone).....	78-93-3.....	1000.....	B
Methyl ethyl ketone peroxide.....	1338-23-4.....	5.0.....	B
Methyl formate.....	107-31-3.....	820.....	B
✓Methyl hydrazine.....	60-34-4.....	1.2.....	B
✓Methyl iodide (Iodomethane).....	74-88-4.....	40.....	B
Methyl isoamyl ketone.....	110-12-3.....	780.....	B
Methyl isobutyl carbinol.....	108-11-2.....	350.....	B
✓Methyl isobutyl ketone (MIBK; Hexone).....	108-10-1.....	680.....	B
✓Methyl isocyanate.....	624-83-9.....	0.16.....	B
Methyl isopropyl ketone.....	563-80-4.....	2300.....	B
Methyl mercaptan.....	74-93-1.....	3.3.....	B
✓Methyl methacrylate.....	80-62-6.....	1400.....	B
Methyl n-amyl ketone.....	110-43-0.....	780.....	B
Methyl n-butyl ketone.....	591-78-6.....	67.....	B
Methyl parathion.....	298-00-0.....	0.67.....	B
Methyl propyl ketone.....	107-87-9.....	2300.....	B
Methyl silicate.....	681-84-5.....	20.....	B
a-Methyl styrene.....	98-83-9.....	810.....	B
✓Methyl tert-butyl ether.....	1634-04-4.....	500.....	B
Methylacrylonitrile.....	126-98-7.....	9.0.....	B
Methylal.....	109-87-5.....	10000.....	B
Methylamine.....	74-89-5.....	43.....	B
5-Methylchrysene.....	3697-24-3.....	TBD.....	A
Methylcyclohexane.....	108-87-2.....	5400.....	B
Methylcyclohexanol.....	25639-42-3.....	780.....	B
o-Methylcyclohexanone.....	583-60-8.....	760.....	B
Methylcyclopentadienyl manganese tricarbonyl.....	12108-13-3.....	0.67.....	B
Methylene bis(4-cyclo-hexylisocyanate).....	5124-30-1.....	0.18.....	B
4,4'-Methylene bis(2-methylaniline).....	838-88-0.....	TBD.....	A
✓4,4'-Methylene bis(2-chloroaniline).....	101-14-4.....	0.7.....	C
✓Methylene bis(phenyl isocyanate) (Methylene diphenyl diisocyanate, MDI).....	101-68-8.....	0.2.....	B
✓Methylene chloride (Dichloromethane).....	75-09-2.....	0.56.....	A
✓4,4-Methylenedianiline.....	101-77-9.....	2.7.....	C
4,4-Methylenedianiline dihydrochloride.....	13552-44-8.....	TBD.....	A
4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone.....	64091-91-4.....	TBD.....	A
Metribuzin.....	21087-64-9.....	17.....	B
Mevinphos.....	7786-34-7.....	0.33.....	B
Mirex.....	2385-85-5.....	TBD.....	A
Molybdenum, as Mo soluble compounds.....	7439-98-7.....	17.....	B
Molybdenum, insoluble compounds.....	7439-98-7.....	33.....	B
Monocrotophos.....	6923-22-4.....	0.83.....	B
Morpholine.....	110-91-8.....	240.....	B
5-(Morpholinomethyl)-3-(amino)-2-oxazolidinone (furaltudone).....	139-91-3.....	TBD.....	A
Naled.....	300-76-5.....	10.....	B
Naphtha (Rubber solvent).....	43102*.....	5300.....	B
✓Naphthalene.....	91-20-3.....	170.....	B
1-Naphthylamine.....	134-32-7.....	TBD.....	A
✓Nickel and compounds (as nickel subsulfide or nickel refinery dust).....	7440-02-2.....	0.0021.....	A
Nicotine.....	54-11-5.....	1.7.....	B
Nitrapyrin.....	1929-82-4.....	33.....	B
Nitric acid.....	7697-37-2.....	17.....	B
Nitric oxide.....	10102-43-9.....	100.....	B
5-Nitroacenaphthene.....	602-87-9.....	TBD.....	A
p-Nitroaniline.....	100-01-6.....	10.....	B
✓Nitrobenzene.....	98-95-3.....	1.7.....	B
✓4-Nitrobiphenyl.....	92-93-3.....	TBD.....	B
p-Nitrochlorobenzene.....	100-00-5.....	2.0.....	B
Nitroethane.....	79-24-3.....	1000.....	B
Nitrofen.....	1836-75-5.....	TBD.....	A
Nitrofurans Furazolidone.....	43114*.....	TBD.....	A
Nitrofurazone.....	59-87-0.....	TBD.....	A
1-(5-Nitrofurfurylidene)amino-2-imidazolidinone.....	555-84-9.....	TBD.....	A
Nitrogen mustard N-oxide.....	126-85-2.....	TBD.....	A

PROPOSED

PROPOSED

Nitrogen mustard n-oxide hydro-chloride.....	302-70-5	TBD	A
Nitrogen trifluoride.....	7783-54-2	97	B
Nitroglycerin.....	55-63-0	1.5	B
Nitromethane.....	75-52-5	830	B
✓ 4-Nitrophenol.....	100-02-7	TBD	B
1-Nitropropane.....	108-03-2	20	B
✓ 2-Nitropropane.....	79-46-9	0.00037	A
N-Nitrosodiethylamine (diethylnitrosoamine) (DEN).....	55-18-5	0.000023	A
✓ N-Nitrosodimethylamine (Dimethylnitrosoamine).....	62-75-9	0.000071	A
N-Nitrosodi-n-butylamine.....	924-16-3	0.00063	A
N-Nitrosodi-n-propylamine.....	621-64-1	TBD	A
N-Nitrosodiphenylamine.....	86-30-6	TBD	A
N-Nitrosomethylethylamine.....	10595-95-6	TBD	A
✓ N-Nitrosomorpholine.....	59-89-2	TBD	A
N-Nitroso-n-ethylurea (NEU).....	759-73-9	TBD	A
✓ N-Nitroso-N-methylurea (NML).....	684-93-5	TBD	B
N-Nitroso-n-methylurethane.....	615-53-2	TBD	A
Nitrotoluene.....	88-72-2	37	B
N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide.....	531-82-8	TBD	A
Nonane.....	111-84-2	3500	B
Octachloronaphthalene.....	2234-13-1	0.33	B
Octane.....	111-65-9	4700	B
Oil mist, mineral.....	8012-95-1	17	B
Oil orange SS.....	2646-17-5	TBD	A
Osmium tetroxide as Os.....	20816-12-0	0.0053	B
Oxalic acid.....	144-62-7	3.3	B
Oxygen difluoride.....	7783-41-7	0.37	B
Panfuran S (dihydroxymethyl-furatrizine).....	794-93-4	TBD	A
Parafin wax fumes.....	8002-74-2	6.7	B
Paraquat.....	4685-14-7	4.5	B
✓ Parathion.....	56-38-2	0.33	B
Pentaborane.....	19624-22-7	0.043	B
Pentachloronaphthalene.....	1321-64-8	1.7	B
✓ Pentachloronitrobenzene (quintobenzene).....	82-68-8	1.7	B
✓ Pentachlorophenol.....	87-86-5	0.33	A
Pentane.....	109-66-0	6000	B
✓ Perchloroethylene (Tetrachloroethylene).....	127-18-4	1.1	A
Perchloromethyl mercaptan.....	594-42-3	2.5	B
Perchloryl fluoride.....	7616-94-6	43	B
✓ Phenol.....	108-95-2	63	B
Phenothiazine.....	92-84-2	1.7	B
Phenoxybenzamine hydrochloride.....	63-92-3	TBD	A
Phenyl ether.....	101-84-8	23	B
Phenyl glycidyl ether.....	122-60-1	2000	B
Phenyl mercaptan.....	108-98-5	7.7	B
✓ p-Phenylenediamine.....	106-50-3	0.33	B
Phenylhydrazine.....	100-63-0	1.5	B
Phenylphosphine.....	638-21-1	0.77	B
N-Phenyl-2-naphthylamine.....	135-88-6	TBD	A
Phorate.....	298-02-2	0.17	B
✓ Phosgene.....	75-44-5	1.3	B
✓ Phosphine.....	7803-51-2	1.3	B
Phosphoric acid.....	7664-38-2	3.3	B
✓ Phosphorus.....	7723-14-0	0.33	B
Phosphorus oxychloride.....	10025-87-3	2.1	B
Phosphorus pentachloride.....	10026-13-8	2.8	B
Phosphorus pentasulfide.....	1314-80-3	3.3	B
Phosphorus trichloride.....	7719-12-2	3.7	B
✓ Phthalic anhydride.....	85-44-9	20	B
m-Phthalodinitrile.....	626-17-5	17	B
Picloram.....	1918-02-1	33	B
Picric acid.....	88-89-1	0.33	B
Pindone.....	83-26-1	0.033	B
Piperazine dihydrochloride.....	142-64-3	17	B
Platinum, metals.....	7440-06-4	3.3	B
Platinum, soluble salts as Pt.....	7440-06-4	0.0067	B
Polyaromatic hydrocarbons (PAH).....	43116*	0.00048	A
✓ Polychlorinated biphenyls (PCB).....	1336-36-3	0.0045	A
✓ Polycyclic Organic Matter.....	43108*	TBD	A
Ponceau MX.....	3761-53-3	TBD	A
Potassium hydroxide.....	1310-58-3	6.7	B
Primary Aluminum Sinter uncontrolled roof vent PAH emissions.....	81113*	0.0013	A
✓ 1,3-Propane sultone.....	1120-71-4	TBD	A
Propargyl alcohol.....	107-19-7	7.7	B
✓ β-Propiolactone.....	57-57-8	5.0	B
✓ Propionaldehyde.....	123-38-6	TBD	B
✓ Propoxur.....	114-26-1	1.7	B
Propionic acid.....	79-09-4	100	B
n-Propyl acetate.....	109-60-4	2300	B
n-Propyl alcohol.....	71-23-8	1600	B
n-Propyl nitrate.....	627-13-4	360	B
✓ Propylene dichloride (1,2-Dichloropropane).....	78-87-5	4.0	C
Propylene glycol dinitrate.....	6423-43-4	1.1	B
Propylene glycol mono-methyl ether.....	107-98-2	2000	B
✓ Propylene oxide.....	75-56-9	0.27	A

✓1,2-Propylene imine (2-Methyl aziridine).....	75-55-8.....	16.....	B
Pyrethrum.....	8003-34-7.....	1.7.....	B
Pyridine.....	110-86-1.....	53.....	B
✓Quinoline.....	91-22-5.....	TBD.....	B
✓Quinone (1,4-Cyclohexadienedione).....	106-51-4.....	1.5.....	B
✓Quintobenzene (Pentachloronitrobenzene).....	82-68-8.....	1.7.....	B
✓Radionuclides (including radon).....	81105*.....		
Resorcinol.....	108-46-3.....	150.....	B
Rhodium, insoluble compounds.....	7440-16-6.....	3.3.....	B
Rhodium, metals.....	7440-16-6.....	3.3.....	B
Rhodium, soluble compounds.....	7440-16-6.....	0.033.....	B
Ronnel.....	299-84-3.....	33.....	B
Rotenone.....	83-79-4.....	17.....	B
Rubber solvent (Naphtha).....	43102*.....	5300.....	B
✓Selenium compounds, as Se.....	7782-49-2.....	0.67.....	B
Selenium hexafluoride, as Se.....	7783-79-1.....	0.53.....	B
Sesone.....	136-78-7.....	33.....	B
Silicon tetrahydride.....	7803-62-5.....	22.....	B
Silver, metals.....	7440-22-4.....	0.33.....	B
Silver, soluble compounds, as Ag.....	7440-22-4.....	0.033.....	B
Sodium azide.....	26628-22-8.....	1.0.....	B
Sodium bisulfite.....	7631-90-5.....	17.....	B
Sodium fluoroacetate.....	62-74-8.....	0.17.....	B
Sodium hydroxide.....	1310-73-2.....	6.7.....	B
Sodium metabisulfite.....	7681-57-4.....	17.....	B
Stibine.....	7803-52-3.....	1.7.....	B
Strychnine.....	57-24-9.....	0.5.....	B
✓Styrene.....	100-42-5.....	1000.....	B
✓Styrene oxide.....	96-09-3.....	TBD.....	B
Subtilisin.....	1395-21-7.....	0.0002.....	B
Sulfotep.....	3689-24-5.....	0.67.....	B
Sulfur hexafluoride.....	2551-62-4.....	20000.....	B
Sulfur monochloride.....	10025-67-9.....	18.....	B
Sulfur pentafluoride.....	5714-22-7.....	0.33.....	B
Sulfur tetrafluoride.....	7783-60-0.....	1.5.....	B
Sulfuric acid.....	7664-93-9.....	3.3.....	B
Sulfuryl fluoride.....	2699-79-8.....	67.....	B
Sulprofos.....	35400-43-2.....	3.3.....	B
2,4,5-T.....	93-76-5.....	33.....	B
TEPP.....	107-49-3.....	0.16.....	B
Tantalum, metals & oxide dusts.....	7440-25-7.....	17.....	B
Tellurium & compounds as Te.....	13494-80-9.....	0.33.....	B
Tellurium hexafluoride, as Te.....	7783-80-4.....	0.33.....	B
Temphos.....	3383-96-8.....	33.....	B
Terphenyls.....	26140-60-3.....	16.....	B
P(p)(AAA) Tetra-chlorotoluene.....	5216-25-1.....	TBD.....	A
✓2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD).....	1746-01-6.....	0.00000003.....	A
1,1,2,2-Tetrachloro-1,2-difluoroethane.....	76-12-0.....	14000.....	B
1,1,1,2-Tetrachloro-2,2-difluoroethane.....	76-11-9.....	14000.....	B
✓1,1,2,2-Tetrachloroethane.....	79-34-5.....	23.....	B
✓Tetrachloroethylene (Perchloroethylene).....	127-18-4.....	1.1.....	A
Tetrachloronaphthalene.....	1335-88-2.....	6.7.....	B
Tetraethyl lead, as Pb.....	78-00-2.....	0.33.....	B
Tetrahydrofuran.....	109-99-9.....	2000.....	B
Tetramethyl lead, as Pb.....	75-74-1.....	0.5.....	B
Tetramethyl succinonitrile.....	3333-52-6.....	9.3.....	B
Tetranitromethane.....	509-14-8.....	27.....	B
Tetrasodium pyrophosphate.....	7722-88-5.....	17.....	B
Tetryl.....	479-45-8.....	5.0.....	B
Thallium, soluble compounds, Tl.....	7440-28-0.....	0.33.....	B
4,4-Thiobis(6-tert, butyl-m-cresol).....	96-69-5.....	33.....	B
4,4'-Thiodianiline.....	139-65-1.....	TBD.....	A
Thioglycolic acid.....	68-11-1.....	13.....	B
Thionyl chloride.....	7719-09-7.....	16.....	B
Thiuram.....	137-26-8.....	3.3.....	B
Thorium dioxide.....	1314-20-1.....	TBD.....	A
Tin, metals.....	7440-31-5.....	6.7.....	B
Tin, organic compounds, as Sn.....	7440-31-5.....	0.33.....	B
Tin, oxide & inorganic except SnH ₄	7440-31-5.....	6.7.....	B
✓Titanium tetrachloride.....	7550-45-0.....	TBD.....	B
✓Toluene.....	108-88-3.....	400.....	B
✓2,4-Toluene diamine (2,4-Diamino toluene).....	95-80-7.....	0.011.....	A
✓2,4-Toluene diisocyanate (TDI).....	584-84-9.....	0.12.....	C
m-Toluidine.....	108-44-1.....	29.....	B
o-Toluidine.....	95-53-4.....	0.14.....	A
o-Toluidine hydrochloride.....	636-21-5.....	0.14.....	A
p-Toluidine.....	106-49-0.....	29.....	B
✓Toxaphene (Chlorinated camphene).....	8001-35-2.....	0.0031.....	A
Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl)) vinyl-1,3,4-oxadiazole.....	55738-54-0.....	TBD.....	A
Tributyl phosphate.....	126-73-8.....	7.3.....	B
1,1,2-Trichloro-1,2,2-trifluoroethane.....	76-13-1.....	27000.....	B
Trichloroacetic acid.....	76-03-9.....	22.....	B
✓1,2,4-Trichlorobenzene.....	120-82-1.....	120.....	B

PROPOSED

PROPOSED

✓ 1,1,1-Trichloroethane (Methyl chloroform).....	71-55-6.....	6400.....	B
✓ 1,1,2-Trichloroethane	79-00-5.....	180.....	B
✓ Trichloroethylene.....	79-01-6.....	0.59.....	A
Trichlorofluoromethane	75-69-4.....	19000.....	B
Trichloronaphthalene.....	1321-65-9.....	17.....	B
✓ 2,4,5-Trichlorophenol.....	95-95-4.....	TBD.....	B
✓ 2,4,6-Trichlorophenol.....	88-06-2.....	0.32.....	A
1,2,3-Trichloropropane	96-18-4.....	200.....	B
✓ Triethylamine.....	121-44-8.....	7.0.....	B
Trifluorobromomethane	75-63-8.....	20000.....	B
✓ Trifluralin.....	1582-09-8.....	TBD.....	B
Trimellitic anhydride.....	552-30-7.....	0.13.....	B
Trimethyl benzene.....	2551-13-7.....	420.....	B
Trimethyl phosphite	121-45-9.....	33.....	B
Trimethylamine.....	75-50-3.....	80.....	B
✓ 2,2,4-Trimethylpentane	540-84-1.....	TBD.....	B
2,4,6-Trinitrotoluene.....	118-96-7.....	1.7.....	B
Triorthocresyl phosphate.....	78-30-8.....	0.33.....	B
Triphenyl amine.....	603-34-9.....	17.....	B
Triphenyl phosphate.....	115-86-6.....	10.....	B
Tungsten, insoluble compounds.....	7440-33-7.....	17.....	B
Tungsten, soluble compounds.....	7440-33-7.....	3.3.....	B
Turpentine.....	8006-64-2.....	1900.....	B
Uranium, insoluble & soluble.....	7440-61-1.....	0.67.....	B
Urethan (Ethyl carbamate).....	51-79-6.....	TBD.....	B
VM & P Naphtha	8032-32-4.....	4600.....	B
n-Valeraldehyde.....	110-62-3.....	590.....	B
Vanadium, as V ₂ O ₅	1314-62-1.....	0.17.....	B
✓ Vinyl acetate	108-05-4.....	200.....	B
✓ Vinyl bromide	593-60-2.....	73.....	B
✓ Vinyl chloride.....	75-01-4.....	0.012.....	A
Vinyl cyclohexene dioxide.....	106-87-6.....	200.....	B
Vinyl toluene.....	25013-15-4.....	800.....	B
✓ Vinylidene chloride (1,1-Dichloroethylene)	75-35-4.....	67.....	B
Warfarin.....	81-81-2.....	0.33.....	B
Welding fumes.....	81108*.....	17.....	B
m-Xylene a,a'-diamine.....	1477-55-0.....	0.33.....	B
✓ Xylenes (m-,o-,p-isomers).....	1330-20-7.....	1500.....	B
Xylidine.....	1300-73-8.....	8.3.....	B
Yttrium, metals and compounds as Y.....	7440-65-5.....	3.3.....	B
Zinc chloride fumes.....	7646-85-7.....	3.3.....	B
Zinc chromates	13530-65-9.....	0.033.....	B
Zinc oxide, fumes.....	1314-13-2.....	17.....	B
Zirconium compounds, as Zr.....	7440-67-7.....	17.....	B

((Type A toxics are carcinogens. The averaging time for Type A ASILs is an annual arithmetic mean.
 Type B toxics are noncarcinogens. The averaging time for Type B ASILs is a 24-hour arithmetic mean.
 Type C toxics are carcinogens. The averaging time for Type C ASILs is a 24-hour arithmetic mean.))

Acceptable Source Impact Level (ASIL) means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are 3 types of acceptable source impact levels:

<u>Risk-Based</u>	<u>Type A</u>	<u>carcinogens</u>	<u>Averaging Time</u>
<u>Threshold-Based</u>	<u>Type B</u>	<u>non-carcinogens</u>	<u>annual arithmetic mean</u>
<u>Special</u>	<u>Type C</u>	<u>carcinogens</u>	<u>24-hour arithmetic mean</u>
			<u>24-hour arithmetic mean</u>

TBD = To Be Determined

*PSAPCA assigned numbers

✓ = EPA 112(b) hazardous air pollutant

WSR 98-18-089
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed September 2, 1998, 9:34 a.m.]

Original Notice.

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

Title of Rule: Amend Regulation I, Sections 1.03 and 1.07; and adopt Regulation I, Section 13.02.

Purpose: Technical changes to clarify, update, move definitions closer to where they are used, and remove redundant or otherwise unnecessary definitions.

Other Identifying Information: Section 1.03 pertains to Name of Agency; Section 1.07 pertains to Definitions; and Section 13.02 pertains to Definitions.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: Technical changes to clarify and update Regulation I, Section 1.03; clarify the definitions in Regulation I, Section 1.07; and move relevant definitions to Regulation I, Section 13.02.

Reasons Supporting Proposal: Some definitions are redundant or otherwise unnecessary, some are inconsistent with Title 173 WAC and chapter 70.94 RCW, and others are not conveniently located for the reader.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4065; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4078.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These are technical amendments for clarification. This proposal will incorporate some definitions into the sections where they are used and delete redundant or unnecessary definitions. Some definitions will also be made consistent with Title 173 WAC and chapter 70.94 RCW.

Proposal does not change existing rules.

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

RCW 34.05.328 does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on October 8, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by October 1, 1998, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by September 28, 1998.

Date of Intended Adoption: October 8, 1998.

August 31, 1998

Gerald Pade

Engineer II

AMENDATORY SECTION

REGULATION I SECTION 1.03 NAME OF AGENCY

The name of the multicounty Air Pollution Control Agency comprised of the activated or inactivated air pollution control authorities of King County, Kitsap County, Pierce County, Snohomish County and such other counties whose air pollution control authorities may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound Air Pollution Control Agency" or "PSAPCA".

AMENDATORY SECTION

REGULATION I SECTION 1.07 DEFINITIONS

When used herein:

~~((a) ACCEPTABLE SOURCE IMPACT LEVEL (ASIL) means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are three types of acceptable source impact levels: risk-based, threshold-based, and special. Concentrations for these three types of ASILs are established by the Board after public hearing and are listed in Appendix A of Regulation III.))~~

(b) ACTUAL EMISSIONS means the average rate at which the source actually emitted air contaminants during the 2-year period preceding a specific date, and which is representative of normal source operations. To account for unusual circumstances such as strikes, the Control Officer may approve or require the use of another time period that is more representative of normal operations than is the immediately preceding 2-year period.

~~((c) ADEQUATE SOURCE OF HEAT means the ability to maintain 70°F at a point 3 feet above the floor in all normally inhabited areas of a dwelling.))~~

(d) AGENCY means the Puget Sound Air Pollution Control Agency.

(e) AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(f) AIR POLLUTION means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. Air pollution shall not include air contam-

PROPOSED

inants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

~~((g) AIR POLLUTION EPISODE means a period when a forecast, alert, warning, or emergency air pollution stage is declared by the Department of Ecology pursuant to RCW 70.94.715.))~~

(h) **ALLOWABLE EMISSIONS** means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable permit that limits the operating rate, or hours of operation, or both) and the most stringent of the following:

(1) Any applicable standard under 40 CFR Parts 60, 61, and 63;

(2) Any applicable emission standard under Regulation I, II, or III;

(3) Any applicable State Implementation Plan emission standard, including those with a future compliance date; or

(4) Any applicable emission standard specified in an Order of Approval or operating permit, including those with a future compliance date.

(i) **AMBIENT AIR** means the portion of the atmosphere, external to buildings, to which the general public has access.

~~((j) AMBIENT AIR QUALITY STANDARD means an established concentration, exposure time, and frequency of occurrence of an air contaminant in the ambient air that shall not be exceeded.))~~

(k) **BEST AVAILABLE CONTROL TECHNOLOGY** means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. The Agency may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

(l) **BOARD** means the Board of Directors of the Puget Sound Air Pollution Control Agency.

(m) **COMMENCED CONSTRUCTION** means that the owner or operator has all the necessary preconstruction approvals or permits and either has begun, or has caused to begin, a continuous program of actual on-site construction of the source or has entered into binding agreements or contractual obligations to undertake construction of the source which cannot be canceled or modified without substantial loss to the owner or operator.

(n) **COMBUSTIBLE REFUSE** means solid or liquid combustible waste material.

(o) **CONTROL EQUIPMENT** means any device which prevents or controls the emission of any air contaminant.

(p) **CONTROL OFFICER** means the Air Pollution Control Officer of the Puget Sound Air Pollution Control Agency.

(q) **EMISSION** means a direct or indirect release of any air contaminant into the ambient air.

(r) **EMISSION STANDARD** means a requirement established under the Federal Clean Air Act (FCAA) or chapter 70.94 RCW that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

(s) **EQUIPMENT** means any stationary or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere.

(t) **FACILITY** means the sum total of all of the pollutant emitting activities that belong to the same industrial grouping (as defined by major groups in the Standard Industrial Classification Manual, NTIS Order No. PB 87-100012), are located on one or more contiguous or adjacent properties, and are owned or operated by the same person or persons under common control.

~~((u) FIRST STAGE OF IMPAIRED AIR QUALITY means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.))~~

(v) **FUEL BURNING EQUIPMENT** means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

(w) **FUGITIVE DUST** means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.

(x) **FUGITIVE EMISSION** means an emission that does not pass and that could not reasonably pass through a stack, chimney, or other functionally equivalent opening.

(y) **GASOLINE** means a volatile organic compound having a true vapor pressure greater than 1.5 pounds per square inch (10.3 kPa) at 68°F (20°C), that is a liquid at ~~((standard conditions))~~ a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa), and is used as a fuel for internal combustion engines.

(z) **GASOLINE STATION** means any site dispensing gasoline into fuel tanks of motor vehicles, marine vessels, or aircraft from stationary storage tanks.

~~((aa) INCINERATOR means a furnace for the destruction of waste.))~~

(bb) **INSTALLATION** means the placement, assemblage, or construction of equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

(cc) **LOWEST ACHIEVABLE EMISSION RATE** means that rate of emissions that reflects either the most stringent emission standard that is contained in the implementation plan of any state for such class or category of source unless the owner or operator of the proposed source demonstrates that such emission standards are not achievable, or the most stringent emission standard that is achieved in practice by such class or category of source, whichever is more stringent.

(dd) **MAJOR MODIFICATION** means a modification of a major source that would increase the actual emissions of any air contaminant for which the area is designated nonattainment by more than the following:

Air Contaminant	Tons/Year
Carbon Monoxide	100.0
Volatile Organic Compounds	40.0
Nitrogen Oxides	40.0
PM10	15.0
Sulfur Dioxide	40.0
Lead	0.6

In determining whether the thresholds defining a major modification have been exceeded, the emissions permitted under Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emission increases that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility since the designation of nonattainment may be subtracted from this amount provided that any credits so applied are then considered to have been used. For modifications of an individual piece of equipment, the baseline shall be the source's actual emissions or allowable emissions, whichever is smaller. (Note: volatile organic compounds and nitrogen oxides are the air contaminants for which an area is designated nonattainment for ozone.)

(ee) **MAJOR SOURCE** means a facility that emits or has the potential to emit 100 tons per year or more of any air contaminant subject to regulation under the federal Clean Air Act. In determining whether the threshold defining a major source has been exceeded all fugitive emissions that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility may be subtracted from this amount provided that any credits so applied are then considered to have been used.

(ff) **MODIFICATION** means any physical change in, or change in the method of operation of, a source, except an increase in the hours of operation or production rates (not otherwise prohibited) or the use of an alternative fuel or raw material that the source is approved to use under an Order of Approval or operating permit, that increases the amount of any air contaminant emitted or that results in the emission of any air contaminant not previously emitted.

(gg) **MOTOR VEHICLE** means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

(hh) **MULTIPLE CHAMBER INCINERATOR** means a furnace for the destruction of waste consisting of three or more

refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(ii) **NONATTAINMENT AREA** means a geographic area designated by the United States Environmental Protection Agency that violates a primary or secondary national ambient air quality standard.

~~((jj) **OUTDOOR FIRE** means the combustion of material in the open or in a container with no provision for control of such combustion or the control of the emissions of the combustion products.))~~

(kk) **OWNER OR OPERATOR** means the person who owns, leases, supervises, or operates the equipment or control equipment.

(ll) **PARTICULATE MATTER** means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at ~~(standard conditions)~~ a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa).

(mm) **PERSON** means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency.

(nn) **PM₁₀** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(oo) **POTENTIAL TO EMIT** means the maximum capacity of a facility to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air contaminant, including control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.

(pp) **REASONABLY AVAILABLE CONTROL TECHNOLOGY** means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Reasonably available control technology is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

(qq) **REFUSE BURNING EQUIPMENT** means equipment employed to burn any solid or liquid combustible refuse.

~~((rr) **SEASONED WOOD** means wood of any species that has been sufficiently dried so as to contain 20% or less moisture by weight.~~

~~((ss) **SECOND STAGE OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of~~

PROPOSED

105 micrograms per cubic meter measured on a 24-hour average.

~~(tt) SOLID FUEL BURNING DEVICE means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than 1 million Btu per hour.)~~

(uu) SOURCE means a building, structure, equipment, control equipment, or facility that emits or may emit any air contaminant into the atmosphere.

(vv) STANDARD CONDITIONS means a temperature of 68°F and a barometric pressure of 29.92 inches of mercury.

(ww) TOTAL ALLOWABLE EMISSIONS means allowable emissions, including the emissions from all Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emissions that can be reasonably quantified.

(xx) TOXIC AIR CONTAMINANT or TAC means an air contaminant listed in Appendix A of Regulation III.

~~((yy) TREATED WOOD means wood of any species that has been chemically impregnated, painted, or similarly modified.)~~

(zz) TRUE VAPOR PRESSURE means the equilibrium partial pressure of an organic liquid (determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from External Floating Roof Tanks", May (1994) 1996).

(aaa) URBANIZED AREA means those portions of King, Pierce, Kitsap, and Snohomish Counties designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.

(bbb) VOLATILE ORGANIC COMPOUND or VOC means an organic compound that participates in atmospheric photochemical reactions. This excludes all compounds determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and listed in 40 CFR 51.100(s) in effect July 1, 1998.

NEW SECTION

REGULATION I SECTION 13.02 DEFINITIONS

When used in this Article:

(a) ADEQUATE SOURCE OF HEAT means the ability to maintain 70°F at a point 3 feet above the floor in all normally inhabited areas of a dwelling.

(b) FIRST STAGE OF IMPAIRED AIR QUALITY means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 60 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.

(c) SEASONED WOOD means wood of any species that has been sufficiently dried so as to contain 20% or less moisture by weight.

(d) SECOND STAGE OF IMPAIRED AIR QUALITY means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of

105 micrograms per cubic meter measured on a 24-hour average.

(e) SOLID FUEL BURNING DEVICE means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, that has a heat input less than 1 million Btu per hour (0.29 MW).

(f) TREATED WOOD means wood of any species that has been chemically impregnated, painted, or similarly modified.

WSR 98-18-093

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 2, 1998, 10:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-040.

Title of Rule: Educational services to juveniles in Department of Correction's facilities.

Purpose: To implement chapter 244, Laws of 1998, by providing state institutional education funding through the Superintendent of Public Instruction for educational programs for juveniles in Department of Correction's facilities.

Statutory Authority for Adoption: Section 9(2), chapter 244, Laws of 1998.

Statute Being Implemented: Chapter 244, Laws of 1998.

Summary: Educational services to juveniles in adult prisons are funded in the same manner as educational services to juveniles in institutions for juvenile delinquents operated by the Department of Social and Health Services.

Reasons Supporting Proposal: These changes are necessary to implement chapter 244, Laws of 1998.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Allen Jones, Office of Superintendent of Public Instruction, (360) 753-2298; and Enforcement: Michael Bigelow, Office of Superintendent of Public Instruction, (360) 753-2298.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides funding through the Superintendent of Public Instruction for institutional education programs for juveniles in adult prisons. Prior to passage of chapter 244, Laws of 1998, these programs were funded through the Department of Corrections. The rules allow a school district or other education provider to report institutional education services to juveniles in prisons and claim state funding through the institutional education funding formula used of institutions for juvenile delinquents operated by the Department of Social and Health Services. Rules define the method of determining and reporting full-time equivalent (FTE) students eligible for state funding. State funding of about \$8500

PROPOSED

per FTE student is provided for the operation of a 220 educational program. Funding per student is higher or lower depending on the training and experience of certificated instructional staff serving the students.

Section 510, chapter 346, Laws of 1998, (the 1998 supplemental budget appropriation for institutional education) states that "...the funded staffing ratios for educational programs for juveniles age 18 or less in department of correction facilities shall be the same as those provided for education programs in delinquent institutions under the department of social and health services."

Proposal Changes the Following Existing Rules: The amendments modify institutional education funding rules that have been in place since 1984. Educational programs in Department of Correction's facilities are funded in the same manner as programs in the Department of Social and Health Services institutions for juvenile delinquents. State funding for educational programs in the Department of Social and Health Services institutions is not affected.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not relevant.

RCW 34.05.328 does not apply to this rule adoption. The content of these rules are dictated by chapter 244, Laws of 1998.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on October 8, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by September 24, 1998, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by October 7, 1998.

Date of Intended Adoption: October 9, 1998.

September 1, 1998

Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 95-08-025, filed 3/29/95, effective 4/29/95)

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include those provided in:

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;

(2) Juvenile detention centers—i.e., facilities maintained by counties for treatment and education of juveniles who have been placed under protective custody or have committed a criminal offense.

(3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

(5) Adult correctional facilities housing juveniles—i.e., facilities maintained by the state department of corrections for juvenile inmates under eighteen years of age.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-206 Definition—State institutional education program—Form E-672. "Form E-672" means the form distributed by the superintendent of public instruction on which school districts, or other education providers operating institutional education programs report eligible institutional education students enrolled on the enrollment count dates specified in WAC 392-122-211.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-207 Definition—State institutional education program—Residential institution. "Residential institution" means a state operated group home, juvenile detention center, institution for juvenile delinquents, ~~((or))~~ residential habilitation center or department of corrections facility for juvenile offenders.

NEW SECTION

WAC 392-122-208 Definition—State institutional education program—Other education provider. "Other education provider" means:

(1) An educational service district, institution of higher education, private contractor or any combination thereof providing an institutional education program in an adult correctional facility operated by the department of corrections under contract with the superintendent of public instruction and the department of corrections; or

(2) An educational service district providing an institutional education program pursuant to a contract with a school district in a state-operated group home, institution for juvenile delinquents, or residential habilitation center, or county-operated juvenile detention center.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-212 Definition—State institutional education program—Educational activity. As used in WAC 392-122-200 through 392-122-275, "educational activity" means the following teaching/learning experiences provided by a school district or other education provider:

(1) Instruction, testing, counselling, supervision, advising, and other services provided directly by ~~((school district))~~ certificated staff or by ~~((school district))~~ classified staff who are supervised by certificated staff.

(2) Up to one hour per day of scheduled study time if the study is in conjunction with other educational activity and if the study is monitored by ~~((school district))~~ educational staff who are present during the study.

(3) Up to two hours per day of individual study conducted by a student when ~~((school district))~~ educational staff are not present if all of the following conditions are met:

(a) The study is in pursuit of high school graduation credit; or the study is in a department of corrections facility and is in pursuit of a certificate of educational competence pursuant to RCW 28B.50.536 and chapter 131-48 WAC;

(b) The study is part of a program of instruction defined by a ~~((school district))~~ certificated employee who evaluates the student's progress in that program;

(c) The student is making progress in the program;

(d) The study is not counted as work training experience pursuant to subsection (4) of this section; and

(e) Combined individual study time and scheduled study time pursuant to subsection (2) of this section claimed in determining the student's full-time equivalent pursuant to WAC 392-122-225 do not exceed two hours per day.

(4) Work experience training meeting the requirements of WAC 180-50-315: *Provided*, That each hour of work training experience shall be considered equivalent to 0.40 hours of educational activity.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-213 Definition—State institutional education program—Excused absence. As used in WAC 392-122-200 through 392-122-275, "excused absence" means an absence from scheduled educational activity which ~~((school district))~~ certificated staff determine to be due to one or more of the following:

(1) Illness;

(2) Attendance in court; or

(3) Meeting with a lawyer, case worker, counselor, physician, dentist, nurse, or other professional service provider.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-220 Definition—State institutional education program—Enrolled institutional education program student. "Enrolled institutional education program student" means a person who:

(1)(a) Is in a program in a department of corrections facility and is under eighteen years of age or is eighteen years of age and is continuing in the institutional education program with the permission of the department of corrections and the education provider; or

(b) Is in a residential institution other than the department of corrections and is under twenty-one years of age at the beginning of the school year;

(2) Is scheduled to engage in educational activity in the institutional education program during the current week;

(3) During the current school year, has engaged in educational activity in the institutional education program pro-

vided or supervised by ~~((school district))~~ educational certificated staff; and

(4) Does not qualify for any of the enrollment exclusions in WAC 392-122-221.

AMENDATORY SECTION (Amending WSR 95-08-025, filed 3/29/95, effective 4/29/95)

WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions. The following may not be counted as an enrolled institutional education program student:

(1) A person whose educational activity has terminated.

(2) A person who has transferred to another institution or school district.

(3) A residential institution student who:

(a) Has not engaged in educational activity in the past five school days ~~((including days))~~, excluding days of excused absence;

(b) Has not engaged in educational activity in the past ten school days including days of excused absence; or

(c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-225 Definition—State institutional education program—Institutional education full-time equivalent (FTE) students. "Institutional education full-time equivalent (FTE) students" means the sum of ~~((a school district's))~~ FTE students on an enrollment count date determined as follows:

(1) An enrolled institutional education program student who is three to eight years of age and scheduled to engage in a minimum of twenty hours of educational activity per week shall be counted as one FTE.

(2) An enrolled institutional education program student who is nine years of age or older and scheduled to engage in a minimum of twenty-five hours of educational activity per week shall be counted as one FTE.

(3) An enrolled institutional education program student who is scheduled to engage in less than the minimum hours for one FTE shall be counted as a partial FTE, determined by dividing the scheduled hours of educational activity by the minimum hours for one FTE.

(4) In determining a student's FTE, educational activity may include up to ten minutes of class transition time between classes but shall not include noon intermission.

(5) No student shall be counted as more than one FTE.

AMENDATORY SECTION (Amending Order 2, filed 1/23/91, effective 2/23/91)

WAC 392-122-235 State institutional education program—Determination of ~~((district))~~ average state institutional program certificated instructional staff salary for the purpose of apportionment. The determination of ~~((dis-~~

triet)) average institutional education program certificated instructional staff salary used in the institutional education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: *Provided*, That the words "state institutional education program" shall be substituted for "basic education" throughout that section.

AMENDATORY SECTION (Amending Order 92-08, filed 9/21/92, effective 10/22/92)

WAC 392-122-255 State institutional education program—Institutional program indirect cost. State institutional education program moneys for the purpose of recognition of institutional program indirect costs shall be allocated to school districts ~~((as follows:~~

~~(1) For the 1991-92 school year, the allocation shall be based on the school district's indirect cost percent for the institutional program from Report F-196 Part III and in accordance with the state Operating Appropriations Act.~~

~~(2) For the 1992-93 school year and thereafter, the allocation shall be)) and other education providers based on the indirect cost rate assumed in the state Operating Appropriations Act.~~

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-270 State institutional education program—Apportionment of state moneys. From the state institutional education program moneys appropriated to the superintendent of public instruction, the superintendent shall make allocations to school districts and other education providers based on the ~~((school district's))~~ institutional education program's annual average full-time equivalent institutional education students and as provided in the state Operating Appropriations Act and WAC 392-122-200 through 392-122-275.

(1) Institutional education program allocations shall be based on a two hundred twenty-day school year. Allocations to a school district or other education provider offering less than two hundred twenty school days shall be reduced pro rata as provided in WAC 392-122-910.

(2) The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

(3) The superintendent of public instruction may reduce or delay payment of institutional education program moneys pursuant to chapter 392-117 WAC, Timely reporting.

AMENDATORY SECTION (Amending WSR 95-08-025, filed 3/29/95, effective 4/29/95)

WAC 392-122-275 State institutional education program—~~((School district))~~ Reporting requirements. Each school district or other education provider operating an institutional education program shall report to the superintendent of public instruction as follows:

(1) The district or provider shall report on Form E-672 the number of individual enrolled institutional education program students and the number of institutional education full-

time equivalent students on each institution enrollment count date.

~~((2))~~ Report forms shall be signed by the school district superintendent or a designated official of the school district or other education provider.

~~((3))~~ (2) Each school district or other education provider operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the ~~((district's))~~ program's allocation of state institutional education program moneys.

~~((4) School district))~~ (3) Institutional enrollment reporting shall be subject to chapter 392-117 WAC, Timely reporting.

(4) Each school district or other education provider shall report personnel data pursuant to instructions provided by the superintendent of public instruction.

(5) By August 15 of each year, each other education provider shall provide a budget showing the anticipated activities and objects of expenditures for the institutional education program for the ensuing school year.

(6) By December 15 following the end of the school year, each other education provider shall provide an annual financial summary of the actual activities and objects of expenditures for the institutional education program for the preceding school year.

(7) Information required by this section shall be reported pursuant to instructions provided by the superintendent of public instruction.

WSR 98-18-095

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed September 2, 1998, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-12-089.

Title of Rule: WAC 314-16-160 What are the penalties if a permit holder violates the liquor laws?; 314-16-165 Can the board impose sanctions or penalties other than those indicated in WAC 314-16-160?; and 314-16-170 If my Class twelve (12) or Class thirteen (13) permit is suspended, can I still work?.

Purpose: To outline the penalties for Class 12 or 13 mandatory alcohol server training permit holders who violate the liquor laws.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.20.079, 66.20.340.

Summary: The Liquor Control Board has, by policy, published penalty guidelines for holders of mandatory alcohol servers permits. The agency believes this policy should be converted into rule form.

Name of Agency Personnel Responsible for Drafting: Jan Britt, P.O. Box 43075, Olympia, WA 98504-3075, (360) 753-6270; Implementation and Enforcement: Gary Gilbert, P.O. Box 43075, Olympia, WA 98504-3075, (360) 753-6270.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Liquor Control Board has, by policy, published penalty guidelines for holders of mandatory alcohol servers permits. The agency believes this policy should be converted into rule form.

The penalty guidelines were created in order to:

- Provide a measure of equal treatment to all mandatory alcohol server training permit holders; and
- Prevent violations by informing permit holders of the consequences of failing to perform according to legal requirements.

Proposal Changes the Following Existing Rules: Amend WAC 314-16-170 to outline the normal penalties for Class 12 or 13 permit holders who violate the liquor laws. Currently the rule states the board may suspend or revoke such a permit.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in section 201.

Hearing Location: Washington State Liquor Control Board, Board Room, Fifth Floor, 1025 East Union Avenue, Olympia, WA 98501, on October 14, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by October 13, 1998, TDD (360) 586-4727, or (360) 586-1641.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, fax (360) 664-9689, by October 14, 1998.

Date of Intended Adoption: October 15, 1998.

September 1, 1998

Nathan S. Ford, Jr.

Chair

AMENDATORY SECTION (Amending WSR 96-03-074, filed 1/17/96, effective 2/17/96)

WAC 314-14-160 ((~~Board may suspend permits.~~)
What are the penalties if a permit holder violates the liquor laws? ((Notwithstanding any criminal actions taken, the board may issue administrative violation notices to any holder of a Class 12 or Class 13 permit for violation of Title 66 RCW or 314 WAC. Class 12 or Class 13 permits may be suspended or revoked following the operating procedures set forth in chapter 10-08 WAC. As allowed by the board, a monetary penalty may be imposed in lieu of a suspension.)) (1) Penalties within a three-year period will normally be as indicated below.

<u>Violation Type</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd Violation</u>	<u>4th Violation</u>
<u>AFTER HOURS: Service, removal, allowing, consumption</u>	<u>5 day permit suspension OR \$50 monetary option</u>	<u>10 day permit suspension OR \$100 monetary option</u>	<u>30 day permit suspension OR \$200 monetary option</u>	<u>revocation of permit monetary option</u>
<u>DISORDERLY CONDUCT: Allowing patrons, by licensee or employee</u>	<u>5 day permit suspension OR \$50 monetary option</u>	<u>10 day permit suspension OR \$100 monetary option</u>	<u>30 day permit suspension OR \$200 monetary option</u>	<u>revocation of permit</u>
<u>INTOXICATED PERSONS: Sales to, service to, consumption by, possession by</u>	<u>5 day permit suspension OR \$50 monetary option</u>	<u>10 day permit suspension OR \$100 monetary option</u>	<u>30 day permit suspension OR \$200 monetary option</u>	<u>revocation of permit</u>
<u>LEWD CONDUCT: Allowing</u>	<u>5 day permit suspension OR \$50 monetary option</u>	<u>10 day permit suspension OR \$100 monetary option</u>	<u>30 day permit suspension OR \$200 monetary option</u>	<u>revocation of permit</u>
<u>MISCELLANEOUS: Violation of other retail liquor laws or rules</u>	<u>5 day permit suspension OR \$50 monetary option</u>	<u>10 day permit suspension OR \$100 monetary option</u>	<u>30 day permit suspension OR \$200 monetary option</u>	<u>revocation of permit</u>
<u>MINORS: Sales to</u>	<u>5 day permit suspension OR \$100 monetary option</u>	<u>10 day permit suspension OR \$200 monetary option</u>	<u>30 day permit suspension OR \$300 monetary option</u>	<u>revocation of permit</u>
<u>MINORS: Frequenting by</u>	<u>5 day permit suspension OR \$50 monetary option</u>	<u>10 day permit suspension OR \$100 monetary option</u>	<u>30 day permit suspension OR \$200 monetary option</u>	<u>revocation of permit</u>
<u>MISREPRESENTATION OF FACT: Obstructing an officer, failure to allow an inspection</u>	<u>5 day permit suspension OR \$50 monetary option</u>	<u>10 day permit suspension OR \$100 monetary option</u>	<u>30 day permit suspension OR \$200 monetary option</u>	<u>revocation of permit</u>

PROPOSED

<u>Violation Type</u>	<u>1st Violation</u>	<u>2nd Violation</u>	<u>3rd Violation</u>	<u>4th Violation</u>
*OTHER VIOLATION OF LAWS: Conviction of liquor laws, DUI or felony	5 day permit suspension OR \$50 monetary option	revocation of permit		
PERMIT: Failure to produce permit and ID upon request	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit

NEW SECTION

WAC 314-14-165 Can the board impose sanctions or penalties other than those indicated in WAC 314-14-160?
 The board has broad discretionary authority. Based on aggravating or mitigating circumstances, the board may impose a different penalty than the standard penalties outlined in WAC 314-14-160.

NEW SECTION

WAC 314-14-170 If my Class twelve (12) or Class thirteen (13) permit is suspended, can I still work? (1) During a suspension period, a permit holder may work on a liquor licensed premises provided they are not involved in any way in the sales or service of alcohol.
 (2) No permit is required to be a cashier, receptionist, cook or janitor.

**WSR 98-18-096
 PROPOSED RULES
 LIQUOR CONTROL BOARD**
 [Filed September 2, 1998, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-12-088.

Title of Rule: WAC 314-12-170 What are the penalties if a retail liquor licensee violates the liquor laws or rules?; 314-12-300 Group one (1) violations against public safety; 314-12-310 Group two (2) offenses—Conduct violations; 314-12-320 Group three (3) offenses—Regulatory violations; 314-12-330 Can the board impose sanctions or penalties other than those indicated in WAC 314-12-170?; and 314-12-340 What are some examples of mitigating and aggravating circumstances?

Purpose: To outline the penalties for liquor licensees who violate the liquor laws.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.24.010, 66.24.120.

Summary: The Liquor Control Board has, by policy, published penalty guidelines for liquor licensees. The agency believes this policy should be converted into rule form.

Name of Agency Personnel Responsible for Drafting: Jan Britt, P.O. Box 43075, Olympia, WA 98504-3075, (360) 753-6270; Implementation and Enforcement: Gary Gilbert, P.O. Box 43075, Olympia, WA 98504-3075, (360) 753-6270.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Liquor Control Board has, by policy, published penalty guidelines for liquor licensees. The agency believes this policy should be converted into rule form.

The penalty guidelines were created in order to:

- Provide technical assistance to licensees and the public;
- Provide a measure of equal treatment to all licensees; and
- Prevent violations by informing licensees of the consequences of failing to operate their business according to legal requirements.

Proposal Changes the Following Existing Rules: Amend WAC 314-12-170 to outline the normal penalties for liquor licensees who violate the liquor laws. Currently the rule outlines the minimum monetary penalty or suspension period for licensees.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Liquor Control Board is not a listed agency in section 201.

Hearing Location: Washington State Liquor Control Board, Board Room, Fifth Floor, 1025 East Union Avenue, Olympia, WA 98501, on October 14, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Teresa Berntsen by October 13, 1998, TDD (360) 586-4727, or (360) 586-1641.

Submit Written Comments to: Teresa Berntsen, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, fax (360) 664-9689, by October 14, 1998.

Date of Intended Adoption: October 15, 1998.

September 1, 1998
 Nathan S. Ford, Jr.
 Chair

PROPOSED

AMENDATORY SECTION (Amending WSR 95-05-006, filed 2/1/95, effective 3/4/95)

WAC 314-12-170 ((Minimum penalty.)) What are the penalties if a retail liquor licensee violates the liquor laws or rules? ((When the board, pursuant to RCW 66.24.010 and 66.24.120, determines to suspend a liquor license and/or vacate a license suspension upon payment of a monetary penalty, then such license suspension shall not, in any event, be less than three operating days nor shall such monetary penalty, in any event, be less than one hundred dollars.)) (1) Penalties for violations by liquor licensees (or their

employees while working for a liquor licensee) are broken down into three categories, with the most serious penalties first.

(a) Group One (1) - Public Safety Violations, WAC 314-12-300;

(b) Group Two (2) - Conduct Violations, WAC 314-12-310;

(c) Group Three (3) - Regulatory Violations, WAC 314-12-320.

(2) Past violations within a three-year period will be considered.

NEW SECTION

WAC 314-12-300 Group One (1) violations against public safety.

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
MINOR FREQUENTING a tavern, cocktail lounge or other age restricted area	5 day suspension OR \$500 monetary option	7 day suspension and no monetary option	30 day suspension and no monetary option	cancellation of license
SALES OR SERVICE: Of alcohol to persons under 21 years of age	5 day suspension OR \$500 monetary option	7 day suspension and no monetary option	30 day suspension and no monetary option	cancellation of license
CRIMINAL CONDUCT: Allowing or engaging in	5 day suspension OR \$500 monetary option	5 day suspension OR \$2,500 monetary option	10 day suspension OR \$5,000 monetary option	cancellation of license
DISORDERLY CONDUCT: Allowing patrons, by licensee or employee	5 day suspension OR \$500 monetary option	5 day suspension OR \$2,500 monetary option	10 day suspension OR \$5,000 monetary option	cancellation of license
INTOXICATED PERSONS: Sales to, service to, consumption by, possession by	5 day suspension OR \$500 monetary option	5 day suspension OR \$2,500 monetary option	10 day suspension OR \$5,000 monetary option	cancellation of license

NEW SECTION

WAC 314-12-310 Group two (2) offenses—Conduct violations.

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
EMPLOYEE: Under legal age or with no MAST Permit	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
FOOD SERVICE: Not available	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
HOURS OF SERVICE: Sales, service, removal, consumption between 2:00 a.m. and 6:00 a.m.	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
INSPECTIONS: Refusing to allow	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license

PROPOSED

LEWD CONDUCT: Allowing	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
LIQUOR: Substituting, tampering, unlawful removal, possession, or unauthorized sale	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
MISUSE OF LICENSE: Or unauthorized use of license	5 day suspension OR \$1,500 monetary option	cancellation of license	cancellation of license	cancellation of license
RETAILER/NONRE- TAILER: Violations	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license

NEW SECTION

WAC 314-12-320 Group three (3) offenses—Regulatory violations.

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
ADVERTISING: Viola- tions	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspen- sion with no monetary option
INVENTORY: Below amount required	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary opt- ing	20 day license suspen- sion with no monetary option
KEG REGISTRATION: Failure to properly reg- ister kegs	5 day suspension OR \$500 monetary option	5 day suspension or \$1,000 monetary option	10 day suspension or \$1,500 monetary option	20 day license suspen- sion with no monetary option
LICENSING: Unautho- rized alterations, change of trade name or added activity. Inad- equate lighting.	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspen- sion with no monetary option
LIQUOR: Purchased from unauthorized source, sale below cost	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspen- sion with no monetary option
NONRETAIL: Posting or label violations	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspen- sion with no monetary option
RECORDS: Improper recordkeeping, failure to allow inspection of records	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspen- sion with no monetary option
SIGNS: Failure to post required signs	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspen- sion with no monetary option

NEW SECTION

WAC 314-12-330 Can the board impose sanctions or penalties other than those indicated in WAC 314-12-170? Yes, the board has broad discretionary authority. Based on aggravating or mitigating circumstance, the board may impose a different penalty than the standard penalties out-

lined in WAC 314-12-300, 314-12-310, or 314-12-320. Penalties may range as follows:

- (1) A mitigated penalty would be when there are mitigating circumstances that the board determines merits a lesser number of days suspension or a lower monetary option.
- (2) A standard penalty would be one indicated in WAC 314-12-170.

(3) An aggravated penalty would be one based on aggravating circumstances that is either:

- (a) A higher number of days suspension or a higher monetary penalty than the standard penalty; or
- (b) Cancellation of the license.

NEW SECTION

WAC 314-12-340 What are some examples of mitigating and aggravating circumstances? (1) Mitigating factors may include having in place business policies and practices such as:

- (a) Accepting only identification authorized by statute for persons of questionable age;
- (b) Utilizing licensee certification cards that are correctly filled out and filed;
- (c) Having direct on site supervision of employees;
- (d) Having a signed acknowledgment from each employee of the business alcohol policy on file;
- (e) Have an employee training plan that includes annual training on liquor laws;
- (f) Showing cooperation with local law enforcement, etc.

(2) Aggravating circumstances may include practices that show the licensee or their employees:

- (a) Fail to cooperate with local law enforcement or board staff;
- (b) Do not call for local law enforcement when requested by customers or board agents;
- (c) Do not check employees to insure employees are of legal age or have appropriate work permits;
- (d) Committed the violation willfully, etc.

WSR 98-18-107

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Docket No. UT-971514—Filed September 2, 1998, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-23-087.

Title of Rule: Privacy in commercial telecommunications; regulating telecommunication company use of customer proprietary network information (CPNI).

Purpose: Establish appropriate privacy protections and implement restrictions on use of CPNI.

Other Identifying Information: Intent: Create WAC 480-120-140 (privacy listings); create WAC 480-120-150, 480-120-151, 480-120-152, 480-120-153 (CPNI and definitions); and remove reference to CPNI and privacy in WAC 480-120-139(5).

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 80.36.440.

Summary: The proposal would amend and adopt rules to bring Washington state regulation of CPNI and customer privacy into consistency with federal regulations.

Reasons Supporting Proposal: Improved consumer privacy protection; reduced regulating burden; consistency between state and federal regulations.

Name of Agency Personnel Responsible for Drafting: Rebecca Beaton, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1287; Implementation and Enforcement: Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1174.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Telecommunications companies petitioned the commission to review provisions in WAC 480-120-139 relating to use of customer information. The Federal Communications Commission in the second report and Order CC No. 96-115 issued rules and federal laws governing the use of customer information. The rules are proposed to both assure consumer safeguards and assure consistency at the state level in the emerging competitive marketplace of local exchange and intraLATA toll services.

Proposal Changes the Following Existing Rules: Repeal WAC 480-120-139(5) removes provisions relating to CPNI and privacy, amends and expands upon them, and transfers them to new sections WAC 480-120-140 and 480-120-150.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There is no fiscal impact as the substance of rules mirror FCC actions; other changes are largely editorial and impose no costs.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, on October 28, 1998, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Pat Valentine by October 26, 1998, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Carole J. Washburn, Secretary, P.O. Box 47250, Olympia, WA 98504 or e-mail to <records@wutc.wa.gov>, fax (360) 586-1150, by September 25, 1998. Please include Docket No. UT-971514 in your communication.

Date of Intended Adoption: October 28, 1998.

September 1, 1998

Terrence Stapleton

for Carole J. Washburn

Secretary

NEW SECTION

WAC 480-120-144 Use of privacy listings for telephone solicitation. A telecommunications company may not make telephone solicitation or telemarketing calls using its list of customers with nonpublished or unlisted numbers unless it has notified each such customer at least once in the past year that the company makes such calls to its customers with nonpublished or unlisted numbers and that the customer has a right to request that the company make no such calls.

NEW SECTION

WAC 480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI). (1) Any telecommunications carrier may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service (i.e., local, interexchange, and CMRS) already subscribed to by the customer from the same carrier, without customer approval.

(a) If a telecommunications carrier provides different categories of service, and a customer subscribes to more than one category of service offered by the carrier, the carrier is permitted to share CPNI among the carrier's affiliated entities that provide a service offering to the customer.

(b) If a telecommunications carrier provides different categories of service, but a customer does not subscribe to more than one offering by the carrier, the carrier is not permitted to share CPNI among the carrier's affiliated entities.

(2) A telecommunications carrier may not use, disclose or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe to from that carrier, unless the carrier has customer approval to do so, except as described in (c) of this subsection.

(a) A telecommunications carrier may not use, disclose, or permit access to CPNI derived from its provision of local service, interexchange service, or CMRS, without customer approval, for the provision of customer premises equipment and information services, including call answering, voice mail messaging, voice storage and retrieval services, fax store and forward, and Internet access services. For example, a carrier may not use its local exchange service CPNI to identify customers for the purpose of marketing to those customers related CPE or voice mail service.

(b) A telecommunications carrier may not use, disclose, or permit access to CPNI to identify or track customers who call competing service providers. For example, a local exchange carrier may not use local service CPNI to track all customers who call local service competitors.

(c) A telecommunications carrier may not use, disclose, or permit access to a former customer's CPNI to regain the business of the customer who has switched to another service provider.

(3) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, as described in this subsection.

(a) A telecommunications carrier may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(b) CMRS (wireless telecommunications service) providers may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(c) Local exchange companies and CMRS providers may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking,

call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

NEW SECTION

WAC 480-120-152 Notice and approval required for use of customer proprietary network information (CPNI). (1) A telecommunications carrier must obtain customer approval to use, disclose, or permit access to CPNI to market a customer service to which the customer does not already subscribe from that carrier.

(2) A telecommunications carrier may obtain approval through written, oral or electronic methods.

(3) A telecommunications carrier relying on oral approval must bear the burden of demonstrating that such approval has been given in compliance with the commission's rules.

(4) Approval obtained by a telecommunications carrier for the use of CPNI outside of the customer's total service relationship with the carrier may remain in effect until the customer revokes or limits such approval, so long as the carrier maintains the records of customer notification and approval required in this rule.

(5) A telecommunications carrier must maintain records of notification and approval, whether oral, written or electronic, for at least one year.

(6) Prior to any solicitation for customer approval, a telecommunications carrier must provide a one-time notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(a) A telecommunications carrier may provide notification through oral or written methods.

(b) Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier to use, disclose, or permit access to, the customer's CPNI.

(i) The notification must state that the customer has a right, and the carrier a duty, under federal law, to protect the confidentiality of CPNI.

(ii) The notification must specify the types of information that constitute CPNI and the specific entities that will receive CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(iii) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes.

(iv) The notification must be comprehensible and must not be misleading.

(v) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed so as to be readily apparent to a customer.

(vi) A carrier may state in the notification that the customer's approval to use CPNI may enhance the carrier's ability to offer products and services tailored to the customer's needs. A carrier also may state in the notification that the

PROPOSED

customer upon affirmative written request may compel the carrier to disclose CPNI to any person.

(vii) A carrier may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.

(viii) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes to from that carrier is valid until the customer affirmatively revokes or limits the approval or denial.

(7) A telecommunications carrier's solicitation for approval must be proximate to the notification of a customer's CPNI rights.

(8) A telecommunications carrier's solicitation for approval, if written, must not be a document separate from the notification, even if both documents are included within the same envelope or package.

NEW SECTION

WAC 480-120-153 Safeguards required for use of customer proprietary network information (CPNI). (1) Telecommunications carriers must implement software that indicates within the first few lines of the first screen of a customer's service record the customer's CPNI approval status and reference the customer's existing service subscription.

(2) Telecommunications carriers must train all personnel who have access to CPNI as to when they are and are not authorized to use CPNI, and carriers must implement an express disciplinary process to deal with violations of the requirement.

(3) Telecommunications carriers must maintain an electronic audit mechanism that tracks access to customer accounts, including when a customer's record is opened, by whom, and for what purpose. Carriers must maintain these contact histories for a minimum period of one year.

(4) Telecommunications carriers must establish a supervisory review process regarding carrier compliance with rules governing outbound marketing situations and must maintain records of carrier compliance for at least one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request.

(5) A telecommunications carrier must have a corporate officer, as an agent of the carrier, sign a compliance certificate on an annual basis that the officer has personal knowledge that the carrier is in compliance with the rules of this subpart. A statement explaining how the carrier is in compliance with the rules in this subpart must accompany the certificate.

NEW SECTION

WAC 480-120-154 Definitions. For purposes of WAC 480-120-150 through 480-120-152, terms have the following meaning:

(1) **Affiliate.** An affiliate is an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

(2) **Customer.** A customer of a telecommunications carrier is a person or entity to which the telecommunications carrier is currently providing service.

(3) **Commercial mobile radio service (CMRS).** Commercial mobile radio service means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

(4) **Customer proprietary network information (CPNI).** Customer proprietary network information (CPNI) is either:

(a) Information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship; or

(b) Information contained in a customer's bill pertaining to telephone exchange service or telephone toll service received by a customer of a carrier. Customer proprietary network information does not include subscriber list information.

(5) **Customer premises equipment (CPE).** Customer premises equipment (CPE) is equipment employed on the premises of a person (other than a carrier) to originate, route, or terminate telecommunications.

(6) **Information service.** Information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(7) **Local exchange carrier (LEC).** A local exchange carrier (LEC) is any person that is engaged in the provision of telephone exchange service or exchange access. For purposes of these rules, the term does not include a person insofar as such person is engaged in the provision of commercial mobile service under 47 U.S.C. 332 (c).

(8) **Subscriber list information (SLI).** Subscriber list information (SLI) is any information:

(a) Identifying the listed names of subscribers of a carrier and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the carrier or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(9) **Telecommunications carrier.** A telecommunications carrier is any provider of telecommunications services, except that such term does not include aggregators of telecommunications services (as defined in 47 U.S.C. 226(a)(2)). The definition of telecommunications carrier for purposes of these rules does not include CMRS providers, except as a substitute for wire line telecommunications in locations where wire line services are not available.

WSR 98-18-045
EXPEDITED ADOPTION
COMMITTEE ON
ADVANCED TUITION PAYMENT

[Filed August 28, 1998, 3:06 p.m.]

Title of Rule: Title 14 WAC, the operation of the Committee on Advanced Tuition Payment which manages the state prepaid college tuition program.

Purpose: To establish operating procedures consistent with chapter 42.32 RCW, Open Public Meetings Act, chapter 42.17 RCW, Public Records, chapter 34.05 RCW, Administrative Procedure Act and chapter 43.12C [43.21C] RCW, State Environmental Policy Act.

Statutory Authority for Adoption: RCW 28B.95.030 (9)(e).

Statute Being Implemented: Chapters 28B.95, 42.32, 42.17, 34.05 and 43.12C [43.21C] RCW.

Summary: The rules establish the requirements and procedures necessary for operation of the committee in compliance with state statutory requirements.

Reasons Supporting Proposal: The rules establish operation of the Committee on Advanced Tuition Placement [Payment] in compliance with state law.

Name of Agency Personnel Responsible for Drafting: Warran H. Fischer Jr., 1125 Washington, Olympia, WA, (360) 586-2789; Implementation and Enforcement: Susan Patrick, 1603 Cooper Point Road N.W., Olympia, WA, (360) 586-2781.

Name of Proponent: Committee on Advanced Tuition Payment, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules will assure the Committee on Advanced Tuition Payment will operate in compliance with public meeting, public records, administrative procedures and the State Environmental Policy Act.

Proposal does not change existing rules.

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 Susan Patrick, Operations Manager, Higher Education Coordinating Board, 917 Lak-eridge Way, P.O. Box 43430, Olympia, WA 98504-3430, AND RECEIVED BY October 31, 1998.

August 28, 1998
 Susan D. Patrick
 Operations Manager

Title 14 WAC

COMMITTEE ON ADVANCED TUITION PAYMENT

Chapter 14-104 WAC

COMMITTEE ON ADVANCED TUITION PAYMENT

NEW SECTION

WAC 14-104-010 Time and place of committee meetings. The committee shall hold regular semiannual meetings at such time as it may fix. The annual meeting schedule shall be published in the *Washington State Register*. Special meetings may be requested by the chair of the committee or by a majority of the members of the committee and announced in accordance with law.

All regular and special meetings of the committee shall be held at The Capitol Campus, Olympia, Washington, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the committee except during a regular or special meeting.

NEW SECTION

WAC 14-104-020 Request for items to be placed on committee agenda. Anyone, other than a committee member wishing an item placed on the agenda of a committee meeting, must have a written request in the office of the secretary of the committee no later than twelve o'clock noon five business days before the next scheduled meeting of the committee. The secretary will relay the request to the chair of the committee as soon as feasible. The chair will determine whether the item is to be placed on the agenda. The chair or designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

NEW SECTION

WAC 14-104-030 Delegation to director. The committee delegates to the director its authority and responsibility to administer the advanced college tuition payment program in accordance with laws, policies, and rules approved by the committee to the fullest extent permitted by law. At the operational level, the director has final administrative authority over all matters affecting the program. Employees of the program shall be employees of the higher education coordinating board and the board shall carry out administrative responsibilities otherwise not assigned to the committee until such time as the final structure and location of the program is decided by the legislature.

Chapter 14-108 WAC

PRACTICE AND PROCEDURE

NEW SECTION

WAC 14-108-010 Adoption of model rules of procedure. The model rules of procedure adopted by the chief

administrative law judge pursuant to RCW 34.05.250 are adopted for use for this program. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure.

NEW SECTION

WAC 14-108-020 Appointment of presiding officers.

The chair or designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the chair or designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the chair or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 14-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

NEW SECTION

WAC 14-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 1603 Cooper Point Road, Olympia, Washington 98504-3450.

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 14-108-050 Brief adjudicative procedures. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to withholding services of outstanding debts.

NEW SECTION

WAC 14-108-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 14-108-070 Procedure for closing parts of the hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If

the other party opposes the request, a written response to the request shall be made within ten working days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty working days of receiving the request.

NEW SECTION

WAC 14-108-080 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 14-108-070, except for the method of official recording selected by the committee.

Chapter 14-122 WAC

WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

NEW SECTION

WAC 14-122-010 Policy. If any purchaser of an account, or any other person, is indebted to the program for an outstanding overdue debt, the committee need not provide any further services of any kind to such individual, including, but not limited to, transmitting files, records, vouchers, or other services which have been requested by such person.

NEW SECTION

WAC 14-122-020 Notification. (1) Upon receiving a request for services where there is an outstanding debt due to the program from the requesting person, the program shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the chair of the committee or designee. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

NEW SECTION

WAC 14-122-030 Procedure for brief adjudicative proceeding. Upon receipt of a timely request for a hearing, the person designated by the chair shall have the records and files of the program available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the program. The hearing must be conducted within ten working days of the request for a hearing. After the informal hearing, a decision shall be rendered by the chair's designee indicating whether in fact the program is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five working days after the hearing. This hearing shall constitute

a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

Chapter 14-133 WAC

ORGANIZATION

NEW SECTION

WAC 14-133-020 Organization—Operation—Information. (1) Organization. The advanced college tuition payment program is established in Title 28B.95 RCW. The program is governed by the committee on advanced tuition payment composed of the executive director of the higher education coordinating board, the director of the office of financial management, and the state treasurer, or their designees. The committee employs a director, who administers the program.

(2) Operation. The administrative office is located at the following address:

1603 Cooper Point Road NE
Olympia, Washington 98504-3450

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Information concerning the advanced college tuition payment program and contracts for the purchase of tuition units may be obtained at the following address:

1603 Cooper Point Road
Olympia, Washington

(4) The staff of the higher education coordinating board shall support the committee.

Chapter 14-134 WAC

DESIGNATION OF RULES COORDINATOR

NEW SECTION

WAC 14-134-010 Rules coordinator. The rules coordinator for the advanced college tuition payment program as designated by the committee is the director of the program.

Chapter 14-276 WAC

ACCESS TO PUBLIC RECORDS

NEW SECTION

WAC 14-276-010 Purpose. The purpose of this chapter is to ensure that the advanced college tuition payment program complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

WAC 14-276-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) The "committee on advanced college tuition payment" is an agency organized by statute pursuant to chapter 28B.95 RCW. The committee on advanced college tuition payment shall hereafter be referred to as the "committee." Where appropriate, the term "committee" also refers to the staff and employees of the committee.

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

NEW SECTION

WAC 14-276-030 Description of central and field organization of the committee on advanced college tuition payment. (1) The committee on advanced college tuition payment is a state agency established and organized under the authority of chapter 28B.95 RCW for the purpose of implementing the advanced college tuition payment program ("program") established by the legislature. The administrative office of the program is located at 1603 Cooper Point Road, Olympia, Washington.

(2) The program is operated under the supervision and control of the committee. The committee consists of the executive director of the higher education coordinating board, the director of the office of financial management, and the state treasurer, or their designees. The committee normally meets semiannually, as provided in WAC 14-104-010. The committee employs a director and an administrative staff. The committee takes such actions and promulgates such rules and policies as are necessary to the administration and operation of the program.

(3) The director is responsible to the committee for the operation and administration of the program.

(4) The staff of the higher education coordinating board shall support the committee and the board shall carry out administrative responsibilities otherwise not assigned to the committee.

NEW SECTION

WAC 14-276-040 Operations and procedures. Formal decision-making procedures are established by the committee through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

WAC 14-276-050 Public records available. All public records of the program, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

NEW SECTION

WAC 14-276-060 Public records officer. The committee's public records shall be in the charge of the public records officer designated by the committee. The person so designated shall be located in the administrative office. The public records officer shall be responsible for the following: Implementation of the committee's rules regarding release of public records, coordinating employees in this regard, and generally ensuring compliance by committee employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

WAC 14-276-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the committee. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays.

NEW SECTION

WAC 14-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the committee which shall be available at the committee's administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the committee's staff at the committee administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the

member of the public in succinctly identifying the public record requested.

NEW SECTION

WAC 14-276-090 Copying. No fee shall be charged for the inspection of public records. The committee may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records and such charges shall not exceed the amount necessary to reimburse the committee for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate committee official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 14-276-100 Determination regarding exempt records. (1) The committee reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 14-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, or an assistant attorney general assigned to the committee.

(2) Pursuant to RCW 42.17.260, the committee reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: *Provided, however,* That in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 14-276-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the chair of the committee or designee.

(3) Within five business days after receiving the written request by a person petitioning for a prompt review of a deci-

sion denying a public record, the chair of the committee or designee, shall complete such review.

(4) During the course of the review the chair or designee shall consider the obligations of the committee to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the provisions of the statute which require the committee to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 14-276-120 Protection of public records.

Requests for public records shall be made at the administrative office of the committee at 1603 Cooper Point Road, Olympia, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 14-276-090.

NEW SECTION

WAC 14-276-130 Records index.

(1) The committee has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the committee after September 1, 1998:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the committee whereby the committee determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the committee shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 14-276-140 Adoption of form. The committee hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO
COMMITTEE ON ADVANCED TUITION PAYMENT

(a)
Name (please print) Signature

.....
Name or Organization, if applicable

.....
Mailing Address Phone Number
of Applicant

(b)
Date Request Made Time of Day
Request Made

(c) Nature of Request
.....
.....

(d) Identification Reference on Current Index (Please describe)
.....
.....

(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Committee on Advanced Tuition Payment Index
.....
.....

Request: APPROVED DENIED. Date.

By
Name Title

Reasons for Denial:
.....
.....

Referred to Date.

By
Name Title

EXPEDITED ADOPTION

Chapter 14-325 WAC

STATE ENVIRONMENTAL POLICY ACT RULES

NEW SECTION

WAC 14-325-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of the committee on advanced tuition payment that all actions taken by the committee shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The chair of the committee or designee shall be responsible for administering and implementing this policy.

WSR 98-18-064**EXPEDITED ADOPTION****STATE BOARD FOR****COMMUNITY AND TECHNICAL COLLEGES**

[Filed August 31, 1998, 3:50 p.m.]

Title of Rule: Tuition and fees and description of the State Board for Community and Technical Colleges.

Purpose: Title 131 WAC was updated to reflect current practice and to respond to the Governor's Executive Order 97-02 regarding regulatory reform.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: Title 131 WAC, Minor revisions approved by the state board in compliance with Governor's Executive Order 97-02.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Morgan, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, (360) 753-0880; and Enforcement: Howard Fischer, Senior Assistant Attorney General, Education Division, (360) 586-2789.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: New section WAC 131-28-005 Tuition and fees for community and technical colleges; and amendatory sections WAC 131-28-015 Assessment of tuition and fee charges, 131-28-025 Method of assessing tuition and fee charges, 131-28-02501 Granting of tuition waivers, 131-28-026 Tuition charges for certain ungraded courses, 131-28-027 Community and technical college costs and special fees for contracted educational services, 131-28-045 Procedures for implementing tuition and fee waivers, and 131-276-030 Description of the organization of the State Board for Community and Technical Colleges.

Additionally, the following sections are repealed: WAC 131-28-080 Tuition and fee waivers for senior citizens, 131-28-085 Tuition and fee waivers for full-time community college employees, and 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students.

Proposal Changes the Following Existing Rules: Minor changes to reflect current practice which the state board approved at its June 1998 meeting and by resolution authorizing the executive director to make minor adjustments, additions, or deletions as necessary.

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 Claire C. Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, AND RECEIVED BY October 31, 1998.

August 28, 1998

Claire C. Krueger

Executive Assistant

Agency Rules Coordinator

NEW SECTION

WAC 131-28-005 Tuition and fees for community colleges established. Tuition and fees for community colleges are established in chapter 28B.15 RCW. Technical colleges are required to administer tuition and tuition waivers under policies and procedures of their respective boards of trustees. This chapter applies only to community colleges unless technical colleges are specified.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the state board that all tuition and services and activities fees shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by regulation of the state board or the district board of trustees. Students must pay tuition and fees to be enrolled in courses unless a waiver is allowed.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-025 Method of assessing tuition and fee charges. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, ((provided-

~~That~~) respectively. Partial credits shall be assessed on a proportionate basis. The respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students.

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such courses.

(3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall ~~((not waiver))~~ waive the building fee ~~((of))~~, services and activities fees ~~((at a percentage rate greater than the percentage rate of waiver for))~~, and operating fees in equal proportion.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

AMENDATORY SECTION (Amending WSR 96-03-049, filed 1/12/96, effective 1/12/96)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) Colleges may establish the amount of waiver for the following ungraded courses:

(a) Farm management and small business management;

(b) Emergency medical technician and paramedic continuing education;

(c) Retirement;

(d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries;

(e) Journeyperson training in cooperation with joint apprenticeship and training committees.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

(a) Adult basic education, English as a second language, GED preparation: No charge.

(b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: ~~((Sixty percent))~~ Two-thirds reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour ~~((: Provided, That until June 1, 1997, the waiver shall be two-thirds))~~. Colleges may not deduct the tuition owed from training contract with apprentice organizations.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course fees received pursuant to this section shall be accounted for and deposited in local community college operating fee accounts established in RCW 28B.15.031.

(8) Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 101, Resolution No. 84-58, filed 10/23/84)

WAC 131-28-027 Community and technical college costs and special fees for contracted educational services.

(1) College districts that choose to offer contractual educational courses or services, as authorized by RCW 28B.50.140(16), to private or governmental entities shall establish a special fee for the service or course to be paid by the entity involved. Such special fee shall be set forth in the contractual agreement establishing such courses or services.

(2) Contractual educational courses or services may be offered when a district makes a determination that it is not reasonably feasible for financial or other reasons, to offer such courses or services as a part of the regular curriculum. Upon making such determination, the district may offer such courses or services and shall limit participation therein to employees, agents, or members of the particular entity.

~~(3) ((Contractual educational courses or services are those instructional courses which may be provided to meet special instructional needs of military, corporate, or other governmental or private entities where enrollments will be limited to the membership of the entity and includes administrative, organizational, research, public service or program development services of the college district.~~

~~(4))~~ Any enrollments generated through contracts for educational courses or services developed ~~((pursuant to this regulation))~~ shall be excluded from the official state funded enrollment level of the college so that there will not be any state funding for such courses or services.

~~((5))~~ (4) The special fee charged for any such contractual educational course or service shall be retained by the college district to defray the cost of such course or service and may be used for the general operations and maintenance of the college district.

~~((6))~~ (5) The special fees charged pursuant to this regulation shall be sufficient to offset the full instructional costs of offering the course or service. Calculation of the full instructional cost level shall include all direct and indirect costs ~~((such as those for salaries and related benefits; supplies; public information; business services for budgeting, auditing, financial reporting, purchasing, payroll, and cashing; mail service, postage, telephone; admissions; registration; data processing; and maintenance of any public facilities used))~~.

~~((7))~~ (6) If the instructor for any course performs such services as a paid employee or personal services contractor of another state agency, the course shall be considered a contract course subject to the provisions of this section, except when reimbursement for such services is made to the other agency by the college district.

AMENDATORY SECTION (Amending WSR 95-13-070, filed 6/20/95, effective 7/21/95)

WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740. (1) ~~((Tuition and fee waivers for needy students in any fiscal year shall not exceed three percent of any community college district's estimated total collections of tuition and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.~~

~~(2) The estimated total collection of tuition and service and activities fees shall be based on budgeted, state supported, four quarter annual average enrollment.~~

~~(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.~~

~~(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of the state board, or designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.~~

~~(5) At least three fourths of the total amount waived by any district shall be for needy students who are eligible to pay resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and the remainder may be for other students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.) Community colleges may waive the tuition and service and activities fees for needy resident students under the provisions of RCW 28B.15.740. The amount that can be waived under this provision is limited by the waiver limits set forth in RCW 28B.15.910.~~

(2) In addition, colleges may waive up to three-quarters of one percent of the estimated gross collection of tuition and service and activities fees for other students. These waivers are not to be awarded based on participation in intercollegiate athletics. The estimated gross collection of tuition and service and activities fees shall be based on budgeted, state supported, annual average enrollment, after deducting the portion of the gross amount which is attributed to the difference between resident and nonresident tuition and fees.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 131-28-080	Tuition and fee waivers for senior citizens.
WAC 131-28-085	Tuition and fee waivers for full-time community college employees.
WAC 131-28-090	Tuition and fee waivers for unemployed and underemployed resident students.

AMENDATORY SECTION (Amending Order 18, filed 7/2/73)

WAC 131-276-030 Description of organization of the state board for community and technical colleges ((education)). The state board for community and technical colleges ~~((education))~~ is a state agency organized under RCW 28B.50.050. The administrative office of the board and its

staff are located at the WEA Building, 319 East 7th Avenue, Olympia, Washington.

WSR 98-18-072

EXPEDITED ADOPTION

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed August 31, 1998, 4:35 p.m.]

Title of Rule: WAC 246-838-040 Licensure qualifications.

Purpose: Adopt wording from WAC 246-838-040 into currently existing WAC 246-840-030 making the new wording as new subsections (4), (5), (6), and (7). In 1994 the LPN and RN laws were merged together by the legislature. In 1997 the Nursing Commission renumbered all rules to reflect the combined board. This one rule, WAC 246-838-040 was not renumbered because of a typographical error. This proposed change would add the wording into a current existing rule. No wording is proposed to be changed, no new requirements.

Other Identifying Information: Once WAC 246-838-040 is incorporated into WAC 246-840-030, the former WAC will be repealed.

Statutory Authority for Adoption: Chapter 18.79 RCW.

Statute Being Implemented: Chapter 18.79 RCW.

Summary: There is no new language being proposed. WAC 246-838-040 currently exists as does WAC 246-840-030. This change is only necessitated by the renumbering of the nursing rules and this change would fix the one remaining rule which was not renumbered.

Reasons Supporting Proposal: There are no new requirements. This is simply a solution to fix a renumbering problem.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, P.O. Box 47864, Olympia, WA 98504, (360) 664-4207.

Name of Proponent: Washington State Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: When the legislature decided in 1994 to combine the Practical Nursing Board and the Registered Nursing Board to create the new Nursing Care Quality Assurance Commission, the Nursing Commission decided that the two sets of rules with different numbers for each set should be combined into one set of rules so as to reduce confusion. In 1997 the rules were combined into one set of rules. All rules were combined except for WAC 246-838-040 which was accidentally left off due to a typographical error. This latest proposal will take that remaining rule and incorporate it into an existing renumbered rule. Once incorporated, the old rule can then be repealed. No new language and no new requirements are being proposed.

Proposal does not change existing rules. This change would add the language from WAC 246-838-040 into 246-

840-030 by creating new subsections (4), (5), (6), and (7). There is no new wording and no new requirements.

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 Terry J. West, Program Manager, Department of Health, P.O. Box 47864, Olympia, WA 98504, AND RECEIVED BY October 31, 1998.

August 4, 1998

Terry J. West

Co-Acting Executive Director

AMENDATORY SECTION (Amending WSR 97-17-015, filed 8/8/97, effective 9/8/97)

WAC 246-840-030 Examination and licensure. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to take the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate has completed all institutional requirements for the degree/diploma in nursing education per attestation from the administrator of the approved nursing education program;

(c) All other requirements of the statute and regulations shall be met.

(3) Graduates of a nontraditional school of nursing which meet the requirements of subsection (2)(a), (b) and (c) of this section, are eligible to take the registered nurse examination provided that the following conditions are met: (For purposes of this section, nontraditional schools of nursing are defined as schools that have curricula which do not include a faculty supervised teaching/learning component in clinical settings.)

(a) The candidate is a licensed practical nurse in Washington state; and

(b) There is documentation of at least two hundred hours of supervised clinical experience (preceptorship) in the role of a registered nurse. The required elements of a preceptorship are as follows:

(i) Acceptable clinical sites - Acceptable clinical sites include acute care or subacute care settings or skilled nursing facilities. Other sites must be approved by the commission.

(ii) Qualifications of preceptor (instructor) - The preceptor must be a licensed registered nurse in Washington state with at least two years experience in a practice setting and

have no history of disciplinary actions. The candidate must provide documentation that the preceptor meets these requirements when he/she applies for licensure and must also provide a written agreement between the candidate and the preceptor (or facility) that preceptorship supervision will occur.

(iii) Experiences in the preceptorship - Experiences must include delegation and supervision, decision making and critical thinking, patient assessment as part of the nursing process and evaluation of care. A checklist, provided by the commission, must be completed by the preceptor which indicates the candidate's satisfactory completion of the identified skills. This checklist must be submitted with the candidate's application for licensure; and

(c) The candidate receives a satisfactory evaluation from their preceptor meeting commission requirements as previously identified ((b)(iii) of this subsection); and

(d) All other requirements of the nursing statute and regulations are met.

(4) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 246-840-575, or its equivalent as determined by the board. Every applicant must have satisfactorily completed an approved practical nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the board to determine current theoretical and clinical knowledge of practical nursing practice.

(5) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

(6) A notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved practical nursing programs after the filing of a completed application, payment of the application fee, and official notification from the program certifying that the individual has satisfactorily completed all requirements for the diploma/certification.

(7) All other requirements of the statute and regulations shall be met.

Purpose: Current rule reads "Fee is thirty-nine percent of the electrical work permit fee as determined by WAC 296-46-495 ..." To comply with 601 requirements, the department is proposing to reduce the thirty-nine percent rate to thirty-five percent.

Statutory Authority for Adoption: RCW 34.05.356 (1)(f).

Statute Being Implemented: Chapter 19.28 RCW.

Summary: The proposed amendment reduces the rate in WAC 296-46-910 (5)(1)(i) from thirty-nine percent to thirty-five percent.

Reasons Supporting Proposal: To comply with 601 limits mandated by the Washington state legislature.

Name of Agency Personnel Responsible for Drafting: Janet Lewis, 7273 Linderson Way, Tumwater, WA, (360) 902-5249; Implementation and Enforcement: Patrick Woods, 7273 Linderson Way, Tumwater, WA, (360) 902-6348.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment reduces the rate in WAC 296-46-910 (5)(1)(i) from thirty-nine percent to thirty-five percent. This amendment will bring this particular electrical plan review fee into compliance with the 601 limits mandated by the Washington state legislature.

Proposal Changes the Following Existing Rules: The proposed amendment simply reduces the thirty-nine percent rate in the current rule to thirty-five percent.

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 Selwyn Walters, Rules Coordinator, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, fax (360) 902-4202, AND RECEIVED BY November 1, 1998.

September 1, 1998

Gary Moore
Director

WSR 98-18-101
EXPEDITED ADOPTION
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed September 2, 1998, 11:26 a.m.]

Title of Rule: WAC 296-46-910 (5)(1)(i) Plan review fee.

AMENDATORY SECTION (Amending WSR 98-12-042, filed 5/29/98, effective 6/30/98)

WAC 296-46-910 Inspection fees. To calculate the inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The inspection fees shall be calculated from sections (1) through (5) below. However, the total fee shall not be less than the number of progress inspection (one-half hour) units times the progress

inspection fee rate from subsection (5) MISCELLANEOUS (k) below.

- (1) RESIDENTIAL
- (a) Single and two family residential (new construction)
 - (i) First 1300 sq. ft. or less \$ 64.50
 - Each additional 500 sq. ft. or portion of \$ 20.75

Note: Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

"Inspected with the service" or "inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

- (ii) Each outbuilding or detached garage inspected with the service \$ 27.00
- (iii) Each outbuilding or detached garage inspected separately \$ 42.50
- (iv) Each swimming pool - inspected with the service \$ 42.50
- (v) Each swimming pool - inspected separately \$ 64.50
- (vi) Each hot tub, spa, or sauna - inspected with the service \$ 27.00
- (vii) Each hot tub, spa, or sauna - inspected separately \$ 42.50
- (viii) Each septic pumping system - inspected with the service \$ 27.00
- (ix) Each septic pumping system - inspected separately \$ 42.50
- (b) Multifamily residential and miscellaneous multifamily residential structures, services and feeders (new construction)

Each service and/or feeder

Service Ampacity	Service	Feeder
0 to 200	\$ 69.50	\$ 20.75
201 to 400	86.25	42.50
401 to 600	118.50	59.25
601 to 800	151.75	81.00
801 and over	216.25	162.25

(c) Single family or multifamily altered services including circuits

- (i) Each altered service and/or altered feeder

Service Ampacity	Service or Feeder
0 to 200	\$ 59.25
201 to 600	86.25
over 600	130.00

(ii) Maintenance or repair of meter or mast (no alterations to service or feeder) \$ 32.25

(d) Single or multi-family residential circuits only (no service inspection)

- (i) 1 to 4 circuits (see note) \$ 42.50
- Except: Water heater load control devices installed in residences as part of an energy conservation program 26.00
- The \$ 26.00 permit fee for water heater load control devices will expire on December 31, 2001.

(ii) Each additional circuit (see Note) 5

Note: Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c)(i) (table) above.

- (e) Mobile homes, modular homes, mobile home parks, and RV parks
- (i) Mobile home or modular home service or feeder only \$ 42.50
- (ii) Mobile home service and feeder 69.50
- (iii) Mobile home park sites and RV park sites
- (A) First site service or site feeder 42.50
- (B) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder 27.00

Note: For master service installations, see subsection (2).

(2) COMMERCIAL/INDUSTRIAL

(a) New service or feeder and additional new feeders inspected at the same time (includes circuits)

(i) Service/ Feeder Ampacity	Service/ Feeder	Additional Feeder inspected at the same time
0 to 100	\$ 69.50	\$ 42.50
101 to 200	86.25	54.00
201 to 400	162.25	64.50
401 to 600	189.25	75.75
601 to 800	244.50	103.00
801 to 1000	298.50	124.75
Over 1000	325.50	173.75

Note: For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects shall be calculated from (2) (a) (i) (table) above. However, the total fee shall not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (5) MISCELLANEOUS (k) below.

- (ii) Over 600 volts surcharge \$ 54.00
- (b) Altered services or feeders (no circuits)

- (i)

Service Ampacity	Service/ Feeder
0 to 200	\$ 69.50
201 to 600	162.25
601 to 1000	244.50
Over 1000	271.50

(ii) Over 600 volts surcharge \$ 54.00

(iii) Maintenance or repair of meter or mast (no alteration to the service or feeder) 59.25

(c) Circuits only

- (i) First five circuits per branch circuit panel \$ 54.00
- (ii) Each additional circuit per branch circuit panel 5

Note: Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (a)(i) (table) above.

(3) TEMPORARY SERVICES

EXPEDITED ADOPTION

Note: Temporary electrical power and lighting installations are intended to be used during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

Temporary electrical power and lighting installations are allowed during emergencies and for tests, experiments, and developmental work. Temporary electrical power and lighting installations are allowed for a period not to exceed 90 days for Christmas decorative lighting and similar purposes. Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

- (a) Residential \$ 37.25
- (b) Commercial/industrial

Amperacity	Service or Feeder	Additional Feeder
0 to 100	\$ 42.50	20.75
101 to 200	54.00	27.00
201 to 400	64.50	32.25
401 to 600	86.25	42.50
Over 600	97.75	48.75

(c) Temporary stage or concert productions

Amperacity	Service or Feeder	Additional Feeder
0 to 100	\$ 42.50	\$ 20.75
101 to 200	54.00	27.00
201 to 400	64.50	32.25
401 to 600	86.25	42.50
Over 600	97.75	48.75

Note: Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal to portal hourly fees in subsection (5) MISCELLANEOUS (m). The fee for such after hours inspections shall be the greater of the fee from (3) TEMPORARY SERVICES (c) (table) or the portal to portal fee.

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT
Irrigation machines

- (a) Each tower when inspected at the same time as a service and feeder (per subsection (2) COMMERCIAL/INDUSTRIAL above) \$ 5
- (b) Towers - when not inspected at the same time as a service and feeders - one to six towers 64.50

Each additional tower 5

(5) MISCELLANEOUS - commercial/industrial and residential

- (a) Thermostats
- (i) First thermostat \$ 32.25
- (ii) Each additional thermostat inspected at the same time as the first 10.25

Note: Thermostat is defined as:

- (A) A device that interrupts electrical current while performing its function of controlling building, zonal, or room environmental air temperature; or
- (B) In the case of environmental air temperature control by the use of sensors which do not interrupt current but rather transmit data to a zonal or central processing unit, "Thermostat" shall be considered to be the circuit extending from the central processing unit to the local controller. At times this local unit could control several zones or rooms individually or in concert.
- (b) Low voltage fire alarm and burglar alarm. Includes nurse call, intercom, security systems, and similar low energy circuits and equipment
- (i) First 2500 sq. ft. or less \$ 37.25

- (ii) Each additional 2500 sq. ft. or portion thereof 10.25
- Low voltage fire alarm and burglar alarm for commercial and industrial

Each control panel and up to four circuits or zones \$ 29

Each additional circuit or zone 7

- (c) Signs and outline lighting
- (i) First sign (no service included) \$ 32.25
- (ii) Each additional sign inspected at the same time on the same bldg. or structure 15.50
- (d) Berth at a marina or dock \$ 42.50

Each additional berth inspected at the same time 27.00

- (e) Yard pole, pedestal, or other meter loops only \$ 42.50

Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations 10.25

- (f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of \$ 81.00

- (g) Generators, refer to appropriate residential or commercial new service or feeder section

- (h) Annual permit fee for plant location employing regular electrical maintenance staff - Each inspection two hour maximum.

	Fee	Inspections
1 to 3 plant electricians	\$1,553.25	12
4 to 6 plant electricians	3,107.75	24
7 to 12 plant electricians	4,661.25	36
13 to 25 plant electricians	6,215.75	52
more than 25 plant electricians	7,770.25	52

- (i) Carnival inspections
- (i) First field inspection each year
- (A) Each ride and generator truck \$ 15.50
- (B) Each remote distribution equipment, concession or gaming show 5
- (C) If the calculated fee for first field inspection of (A) and (B) above is less, the minimum inspection fee shall be: 81.00
- (ii) Subsequent inspections
- (A) First 10 rides, concessions, generators, remote distribution equipment or gaming show \$ 81.00
- (B) Each additional ride, concession, generator, remote distribution equipment or gaming show 5
- (iii) Single concession, not part of a carnival \$ 42.50
- (j) Trip fees
- (i) Requests by property owners to inspect existing installations \$ 64.50
- (ii) Submitter notifies the department that work is ready for inspection when it is not ready 32.25
- (iii) Additional inspection required because submitter has provided the wrong address 32.25
- (iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work 32.25
- (v) Each trip necessary to remove a noncompliance notice 32.25

EXPEDITED ADOPTION

- (vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted 32.25
- (vii) Installations that are covered or concealed before inspection 32.25
- (k) Progress inspections
On partial or progress inspections, each one-half hour \$ 32.25

Note: The fees calculated in main sections (1) through (5) shall apply to all electrical work. This section is intended to be applied to a permit where the permit holder has requested additional inspections beyond the normal number for the type of installation. Additional progress inspections shall be charged at the rate in (k) above.

- (l) Plan review fee
- (i) Fee is (~~thirty-nine~~) thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan review submission fee of \$ 54.00
- (ii) Supplemental submissions of plans per hour or fraction of an hour \$ 64.50
- (iii) Plan review shipping and handling fee \$ 15.50
- (m) Other inspections
Inspections not covered by above inspection fees shall be charged portal to portal per hour \$ 64.50
- (n) Refund processing fee
All requests for permit fee refunds will be assessed a processing fee \$ 10.50
- (o) Variance request processing fee
This fee is nonrefundable once the transaction has been made \$ 64.50

EXPEDITED ADOPTION



WSR 98-16-044
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 31, 1998, 1:11 p.m., effective September 1, 1998]

Date of Adoption: July 31, 1998.

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. The rules being adopted have been consolidated, shortened and simplified by a special task team with members from Economic Services and Medical Assistance Administration in collaboration with clients, advocates, and the public. No program policy was changed in this process.

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 WAC, 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	Explain 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	Explains that when a client is already eligible for certain programs, they are automatically eligible for food assistance.
CHAPTER 388-416 WAC, CERTIFICATION PERIOD	Explains how long an eligible client can receive assistance before the department rechecks eligibility.
CHAPTER 388-418 WAC, CHANGE OF CIRCUMSTANCES	Explains which changes in circumstance clients must report to the department.
CHAPTER 388-420 WAC, CHEMICAL DEPENDENCY FOOD ASSISTANCE	Describe 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	Describes citizenship and alien status requirements for eligibility for cash, food and medical assistance.
CHAPTER 388-426 WAC, CLIENT COMPLAINTS	Provides for a complaint procedure for clients of assistance programs.
CHAPTER 388-428 WAC, CONFIDENTIALITY	Explain 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 WAC, EMERGENCY CASH ASSISTANCE	Define 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, EMERGENCY ASSISTANCE FOR MEDICAL NEEDS	Explains who can receive services under special emergency medical assistance programs.
CHAPTER 388-440 WAC, EXCEPTION 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.

PERMANENT

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.
CHAPTER 388-446 WAC, FRAUD	Describes what happens to clients suspected or convicted of committing fraud to receive assistance.
CHAPTER 388-448 WAC, INCAPACITY	Describes which clients meet definitions for general assistance-unemployable benefits and which children are considered deprived of parental support.
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, INTERVIEWING CLIENTS	Sets minimum criteria for client interviews for assistance programs.
CHAPTER 388-454 WAC, LIVING WITH A RELATIVE	Explain which relatives a child can 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 BENEFIT ISSUANCES	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	Require certain clients to cooperate with the quality assurance review process in ESA.
CHAPTER 388-466 WAC, REFUGEE PROGRAM	Explain 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 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	Describe assistance eligibility provisions that apply when a person is on strike.
CHAPTER 388-482 WAC, STUDENT STATUS	Explain 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.
CHAPTER 388-486 WAC, TEEN PARENTS	Explains eligibility criteria for unmarried pregnant or parenting teens to receive assistance.
CHAPTER 388-488 WAC, TRANSFER OF PROPERTY	Describes what happens to assistance eligibility when a client transfers property to another person.
CHAPTER 388-490 WAC, VERIFICATION	Lists mandatory verification requirements and criteria for additional verification requests.
WAC 388-503-0505	Defines eligibility for medical assistance programs.

PERMANENT

WAC 388-503-0510	Defines eligibility for medical assistance programs
WAC 388-503-0515	Defines eligibility for medical assistance programs
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	Explains when families are eligible for medical benefits.
WAC 388-517-0300	Explains the programs that help clients pay Medicare coverage out-of-pocket costs.
WAC 388-519-0100	Explains how a person may be eligible for medical assistance if their income exceeds specific limits.
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 how a person may be eligible for medical assistance if their income exceeds specific limits.
WAC 388-523-0100	Explains when medical assistance benefits may be extended.
WAC 388-529-0100	Describes the medical coverage available to clients in medical programs.
WAC 388-529-0200	Describes the medical services available to eligible clients.

Citation of Existing Rules Affected by this Order:

Repealed

Chapter 388-49 WAC	FOOD ASSISTANCE PROGRAMS
WAC 388-055-0006	Summary of eligibility conditions
WAC 388-055-0008	Eligibility conditions-Refugee status
WAC 388-055-0010	Common eligibility conditions
WAC 388-055-0020	Work and training eligibility conditions

WAC 388-055-0030	Treatment of income and resources
WAC 388-055-0040	Refugee medical assistance
WAC 388-055-0060	Refugee notification and referral
WAC 388-200-1100	Grievance procedures
WAC 388-200-1150	Exception to rule
Chapter 388-210 WAC	APPLICATIONS FOR ASSISTANCE
Chapter 388-212 WAC	VERIFICATION OF ELIGIBILITY
Chapter 388-215 WAC	AFDC-CATEGORICAL ELIGIBILITY
Chapter 388-216 WAC	RESOURCE ELIGIBILITY
Chapter 388-217 WAC	TRANSFER OF PROPERTY
Chapter 388-218 WAC	AFDC-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

PERMANENT

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

Amended

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.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Adopted under notice filed as WSR 98-11-084 on May 19, 1998, and WSR 98-13-080 on June 16, 1998.

Changes Other than Editing from Proposed to Adopted Version:

RULE NUMBER	NATURE OF CHANGE	REASON FOR CHANGE
388-406-0045	To clarify what is accepted as good cause for a delay	Each of these changes was requested by a reviewer to make the rules easier to read, understand and use. After discussion with the program and, if needed, meeting with the reviewer, the change was made to respond to reviewer comments.
388-408-0055	To clarify the responsibility of the parent	
388-412-0005	To clarify the amount of cash payment	
388-412-0015	To clarify how allotments are determined	
388-416-0015	To clarify how long medical assistance determination lasts	
388-416-0020	To clarify the 12 month certification period	
388-418-0020	To clarify what how a change of circumstance is treated in the Temporary Assistance for Needy Families program	
388-438-0100	To clarify acceptable exemptions for charity care expenses	
388-444-0005	To clarify the number of hours a client may be required to participate in Food Stamp Employment & Training	
388-444-0060	To clarify that payment standards for workfare expenses are set by DSHS	

PERMANENT

388-458-0005	To clarify when DSHS is required to notify the client before taking action
388-458-0010	To clarify when DSHS is required to notify the client before taking action
388-462-0015	To clarify when a pregnant woman is eligible for medical assistance
388-468-0005	To clarify a household's eligibility for medical assistance
388-470-0005	To clarify when household resources will be used to determine eligibility
388-470-0015	To clarify when a client's resource is considered unavailable
388-472-0005	To clarify two client rights: the client's right to receive a receipt for an application and a pregnant woman's right to be seen within 5 days
388-478-0065	To clarify when an unborn child is counted as part of the household
388-478-0070	To clarify requirements for monthly reporting for the Medically Indigent program
388-86-027	To clarify requirements for the Healthy Kids Program

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 288, Amended 7, Repealed 391.

Effective Date of Rule: September 1, 1998.

July 31, 1998

Edith M. Rice

for Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

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.
- Chapter 388-233 WAC General assistance for children.
- Chapter 388-245 WAC Maintenance of grant programs.
- Chapter 388-250 WAC Grant standards.
- Chapter 388-270 WAC Incorrect payments.
- WAC 388-55-006 Summary of eligibility conditions.
- WAC 388-55-008 Eligibility conditions—Refugee status.
- WAC 388-55-010 Common eligibility conditions.
- WAC 388-55-020 Work and training eligibility conditions.
- WAC 388-55-030 Treatment of income and resources.

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 288, Amended 7, Repealed 391.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

WAC 388-55-040	Refugee medical assistance.	WAC 388-275-0020	Definitions.
WAC 388-55-060	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 388-275-0090	Representative payee.
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.		
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 388-400 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.

(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) Meet the citizenship/residence requirements 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 TANF 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:

(a) Meet the requirements of WAC 388-462-0005; and

(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;

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

(e) 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 TANF or state family assistance (SFA);

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

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

(d) Fails or refuses to cooperate in obtaining TANF or SFA. This includes disqualifications for:

(i) Convictions for misrepresenting residence to obtain assistance in two or more state as specified under chapter 388-446 WAC;

(ii) Convictions for drug-related felonies and failing to complete drug treatment as specified under chapter 388-442 WAC;

(iii) Failing to report a child's absence within five days of becoming reasonably certain the absence will exceed ninety days as specified in chapter 388-418 WAC; or

(iv) Failing to meet school attendance requirements for unmarried teen parents as specified under chapter 388-486 WAC.

(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 or parenting minors who are not emancipated under a court decree 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 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 TANF or have been terminated from 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 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 (6) 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 388-424-0020;

(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 388-476 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) of this section, when the person:

(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) A person with disabilities described in subsection (6) of this section:

(a) Does not have to have income at or below the gross income standard, only the net income standard;

(b) May be entitled to a medical deduction as described under chapter 388-450 WAC; or

(c) Is not required to count the value of a vehicle when the vehicle is needed to transport them as specified under WAC 388-470-0070 and 388-470-0075.

(8) 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;

(b) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030; and

(c) Assistance units who participate in the food distribution program. This program is available to assistance units

living on or near an Indian reservation. The program is administered by tribal organizations approved by the federal Food and Nutrition Service (FNS).

(9) 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 388-424-0020.

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.

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 - unemployable (GA-U) or the ADATSA program a person must be:

- (1) At least 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. For cash assistance 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) A person may file an application by submitting a written request for benefits using a form designated by the department, to the applicant's local community service office (CSO) in person or by mail.

(a) A person may file an application on the same day that benefits are requested when the request is made in the applicant's local CSO during regular business hours.

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

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

(d) Clients who receive SSI or who are otherwise determined eligible for Medicaid by the Social Security Administration will be authorized medical assistance without being required to file a separate application with the department.

(2) The request for benefits form must be as brief as administratively possible and seek information ordinarily known to the applicant, including:

(a) The name and address of the applicant;

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

(c) For medical and cash assistance:

(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.

(e) An application is required for a medically needy program client who requests eligibility beyond the certification period.

(3) To initiate an application, the filed request for benefits form must include:

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

(b) The signature of the applicant or the applicant's representative.

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) When all members 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 specified in subsection (1) of this section.

(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 no more than twenty-five dollars 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 all required application forms when needed. All applicants will be screened to determine the need for necessary supplemental accommodation (NSA) services and provided with such services as required under WAC 388-200-1300.

(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 and GA-U, by the applicant and spouse, if living in the home, whether or not assistance is being requested on behalf of the spouse;

(iv) For medical programs, by the applicant's relative or representative when the applicant dies or is otherwise unable to complete the application;

(v) An applicant's signature by mark requires two witnesses. The signatures of witnesses must appear on the form and be identified by the department as witnesses.

(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 as specified in chapter 388-490 WAC. 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 not provided all of the 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.

(4) All applicants who are assessed as needing NSA services will be assisted in complying with the requirements of this section as required under WAC 388-200-1300.

NEW SECTION

WAC 388-406-0035 Time limits for processing applications. (1) The application process as defined in WAC 388-406-0050(1) must be completed as quickly as possible. The time limits specified in this section cannot be used as a waiting period for determining eligibility.

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

(a) A request for benefits form 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 process completion are no more than:

(a) Thirty days for TANF, SFA, RCA, consolidated emergency assistance program (CEAP), and diversion cash assistance;

(b) Forty-five days for general assistance and alcohol and drug abuse treatment and shelter assistance (ADATSA); and

(c) Medical program benefits must be processed no more than:

(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 processed 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 processing 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 processing may be delayed only 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 processing a medical or cash assistance application include:

(a) The applicant does not provide requested information or take another required action;

(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;

(d) An administrative or other emergency occurs which is beyond the department's control; or

(e) For cash assistance, an eligibility determination depends on extensive property appraisals.

(2) For medical assistance, good cause exists only when the department otherwise acted promptly at all stages of the application process.

(3) 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 processing is completed 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) The applicant will be notified of the department's eligibility 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 required for eligibility determination; 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 the delay in obtaining the information is beyond the control of the applicant and the department;

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

(c) An application for medical benefits will not be denied based on a failure to meet a spenddown obligation until at least thirty days after the end of the base period.

(4) If an applicant requests a fair hearing to contest the department's decision to deny an application because eligibility cannot be established based on information provided by

the applicant, the issue in the hearing is whether the applicant can provide evidence to establish eligibility.

(5) 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.

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

(7) 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.

(8) 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) A redetermination of eligibility will be made and 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) A denial of an application for medical benefits will be rescinded if the applicant, following the thirty-day period specified in subsection (1) of this section:

(a) Timely requests a fair hearing to appeal the denial; and

(b) Provides additional information needed to establish eligibility, including medical expenses sufficient to meet spenddown if the applicant shows reasonable cause for the delay in verifying the medical expenses.

(3) 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.

(4) 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. Examples of persons who are ineligible for reasons other than income and resources are:

(a) Children who are not deprived of parental support and care as specified in chapter 388-430 WAC;

(b) Aliens who do not meet citizenship or alien status requirements for TANF or SFA as specified in chapter 388-424 WAC; and

(c) Children who do not live with relatives as specified in chapter 388-454 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 388-408-0020, 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; and

(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 assistance, 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) of this section; 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 which means persons who are legally married or who present themselves as husband and wife to the community, friends and relatives;
- (b) Parents and their children under twenty-two years of age regardless of the child's marital status; and
- (c) Children under eighteen years of age and the adult who the child is living with when the adult is not the child's parent. When a minor child lives with an adult who is not the child's 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 the client's 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:
 - (i) Intentional program violation (IPV) as specified in WAC 388-446-0015;
 - (ii) Noncompliance with work requirements as specified in WAC 388-444-0055; or
 - (iii) Failure to provide SSN as specified in WAC 388-476-0005;

(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 as specified in WAC 388-442-0010(1); or

(d) Those convicted of drug felonies as described under WAC 388-442-0010(2).

(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 fewer persons with disabilities as defined under WAC 388-400-0040(6); 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 to which they have access; and
 - (ii) Expenses for which they are responsible.

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 when they stay 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 living in the same household;
 - (c) A parent's financial responsibility is limited when their minor child is receiving inpatient chemical dependency or mental health treatment. Only the income a parent chooses to contribute to the child is considered available when:
 - (i) The treatment is expected to last ninety days or more;
 - (ii) The child is in court-ordered out-of-home care in accordance with chapter 13.34 RCW; or
 - (iii) The department determines the parents are not exercising responsibility for the care and control of the child.
 - (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 living in the same household. Separate MAUs are established for:
- (a) A pregnant minor, regardless of whether she lives with her parent(s);
 - (b) A child with income;
 - (c) A child with resources which makes another family member ineligible for medical assistance;
 - (d) A child of unmarried parents when both parents reside with the child;

- (e) Each unmarried parent of a child in common, plus any of their children who are not in separate MAUs;
- (f) A nonresponsible caretaker relative;
- (g) SSI recipients or persons related to SSI from the non-SSI related family members;
- (h) The purpose of applying medical income standards for an:

- (i) SSI-related applicant whose spouse is not relatable to SSI or is not applying for SSI-related medical; and
- (ii) Ineligible spouse of an SSI-recipient.

(3) Only the parent's income actually contributed to a pregnant minor is considered income to the minor.

(4) A parent's income up to one hundred percent of the Federal Poverty Level (FPL) is allocated to the parent and other members of the parent's MAU. The excess is allocated among their children in separate MAUs.

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

(6) Countable income for medical programs is described in WAC 388-450-0150 and 388-450-0210.

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 the client willfully or knowingly:

- (a) Fails to report within twenty days a change in circumstances that affects the client's eligibility or need; or
- (b) Misstates or fails to reveal a material fact that affects eligibility or need as specified in WAC 388-446-0001.

(4) All overpayments that are not due to the willful or knowing failure of the client to provide information necessary to determine eligibility 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 to 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; or

(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 specified in (a) of this subsection; 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; and

(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.

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 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 which 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 Social Security Administration (SSA) action or failure to act causing an incorrect determination of CE; and

(b) A resulting claim which 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 (CSO) 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 counting 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) The household requests renegotiation of the payment schedule.

(12) Collection action is suspended when:

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

(b) 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 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;

(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. However, cash payments are made individually and will not exceed one half of the two-person GA-U standard.

(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 executed 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) When an assistance unit has income, the allotment is determined by:

(a) Multiplying the assistance unit's net monthly income by thirty percent and rounding down that amount to the next whole dollar; and

(b) Subtracting the results from the thrifty food plan for the appropriate assistance unit size as specified in WAC 388-478-0060.

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

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

(6) 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 the assistance unit's application on the first day of the month.

NEW SECTION

WAC 388-412-0020 Mail delivery of benefit issuances. Benefits are mailed to the address where clients live except when:

(1) The department redirects the benefit issuance 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 benefit issuance be mailed to the local office, such as a homeless client without an address; or

(4) A client requests that the benefit issuance 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;

(b) Food coupons mailed directly to the client; or

(c) Electronic benefit transfers (EBT).

(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 person who has possession of a warrant payable to a deceased

PERMANENT

payee must return the warrant to the department for cancellation.

(2) A person who has possession of a warrant payable to an assistance unit payee who has left the home and is not likely to return during the month to endorse the warrant, must return the warrant to the CSO.

(3) The warrant will be 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. The following applies to replacements of warrants issued to clients and to vendors on behalf of clients.

(1) The department does not replace a warrant or the cash proceeds from a warrant which was endorsed by a client.

(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 food 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 subsection (1) above within the previous five months; or
- (e) The request is determined to be fraudulent.

(4) A client cannot receive a disaster food stamp program allotment and a replacement allotment for the same period.

(5) 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.

(3) 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.

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:

- (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) Temporary assistance for needy families (TANF) or state family assistance (SFA); or
- (b) Supplemental Security Income (SSI); or
- (c) General assistance for pregnant women (GA-S); or
- (d) General assistance for children (GA-H); or
- (e) Refugee assistance.

(2) The certification period for the medical programs associated with the cash programs in subsection (1) of this section 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) General assistance for unemployable persons (GA-U); or
- (b) Alcohol and drug abuse treatment and support act (ADATSA) programs, when the client is either receiving a grant or waiting for treatment to begin.

(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.

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 of application. Eligibility ends on the last day of the last month of the certification period.

(2) TANF/SFA-related, and SSI-related CN medical are each 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. This period can be extended when:

(a) The child is receiving inpatient services on the last day of the month when the child turns nineteen; and

(b) The inpatient stay continues into the following month or months; and

(c) The child remains eligible except for exceeding the age requirement.

(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;

(b) The client received medical services which are covered by DSHS, as described in WAC 388-529-0100; and

(c) If eligibility is only for a retroactive period, that period is the only period of certification.

(7) Any months of a retroactive certification period are added to the designated certification period.

(8) Medical assistance is continued until eligibility is redetermined as described in chapter 388-418 WAC.

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 chapter 388-519 WAC.

(3) The certification period can begin up to three months immediately prior to the month of application as described in chapter 388-519 WAC.

(4) The certification period for MN clients with income below the medically needy income level (MNIL) is twelve months.

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 of application.

(2) The certification period continues for twelve months or through the end of the month the child turns eighteen, whichever is earlier. This period can be extended as described in WAC 388-416-0015(4).

(3) The certification period can begin up to three months immediately prior to the month of application, as described in WAC 388-416-0015 (6) and (7).

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 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. (1) The certification period for the qualified Medicare beneficiary (QMB) program:

(a) Is for twelve months; and
(b) Begins the first day of the month following the month of QMB eligibility determination; and

(2) The certification period for the qualified disabled working individual (QDWD) program:

(a) Is twelve months; and
(b) May begin up to three months prior to the month of application if on the first day of the first month of the certification period the person:

(i) Is or had been enrolled in Medicare Part A; and
(ii) Meets or has met the department's eligibility requirements for QDWD.

(3) The certification period for the:

(a) Special low income medicare beneficiary (SLMB) program is twelve months in duration;

(b) Expanded special low income medicare beneficiary (ESLMB) program extends to the end of the calendar year.

(4) The certification periods for SLMB and ESLMB may begin up to three months prior to the month of application if on the first day of the first month of the certification period the person:

(a) Is or has been enrolled in Medicare Part B; and
(b) Meets or has met the department's eligibility requirements for SLMB or ESLMB.

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

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 as specified under chapter 388-456 WAC 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 except for changes in public assistance income;

(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 388-470-0005.

(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 state:

- (a) The information or action needed;
- (b) The date the information must be provided or action taken; and
- (c) That failure to provide the information or take the action requested may result in termination or reduction of benefits.
- (4) The recipient's cash, medical and/or food assistance may be reduced, suspended, or terminated 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.

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 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 of the change 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) The first regular monthly issuance after the advance notice period when a grant deduction is imposed to collect an overpayment;
- (e) The date of termination when child support or spousal support is increased as specified in WAC 388-422-0030.
- (f) 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) WAC 388-462-0005(2) when pregnant woman receives GA-S and then relinquishes the child for adoption; and

(iv) As specified by the department for changes in law or regulation.

(g) For TANF/SFA, the date a sanctioned WorkFirst participant complies with the requirements of their individual responsibility plan as specified under chapter 388-310 WAC.

(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. Eligibility is redetermined for other medical programs prior to the termination of newborn medical.

NEW SECTION

WAC 388-418-0025 Effect of changes on medical. (1) Categorically needy (CN) medical and medically needy (MN) medical is continued until a redetermination 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
- (d) GA-S; or
- (e) CN medical.

(2) When changes cause a refugee cash assistance client to be ineligible, refugee medical assistance can only be continued through the eight-month residence limit, as described in WAC 388-400-0030(6).

(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-related, SSI-related, 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; or

(d) The first six months of the TANF/SFA-related medical extension; or

(e) The newborn medical program.

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 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 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.

(5) A client continues to receive the same benefits received prior to a ten-day advance notice of reduction, suspension or termination of benefits (continued benefits) when:

(a) The client requests a fair hearing during this ten-day period; and

(b) For food assistance only, the client's certification period has not expired.

(6) A client receives continued benefits through the end of the month the fair hearing decision is mailed unless:

(a) The client:

(i) States in writing that the assistance unit does not want continued benefits;

(ii) Withdraws the fair hearing request in writing; or

(iii) Abandons the fair hearing request; or

(b) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(7) For food assistance clients, continued benefits end when the certification period expires.

(8) Any continued benefits a client receives pending a fair hearing decision are considered an overpayment when the fair hearing decision agrees with the department's action.

(9) When eligibility for medical care is terminated the client is provided with advance and adequate written notice.

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 (DCS).

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 DCS in establishing 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 DCS.

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 DCS 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) Cooperation is against the best interest of the child and cash assistance can be continued 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) When cash assistance cannot be continued because a client's claim of good cause does not meet the standard in subsection (2) of this section, medical assistance may be able to be continued. The standard for good cause for medical assistance is broader in that good cause can be based solely on the best interests of the:

(a) Child as in subsection (2) of this section; or

(b) Person who is being asked to cooperate.

(4) 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.

(5) 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;

(d) Receive information on their right to ask for a fair hearing if the department denies the claim of good cause; and

(6) 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

PERMANENT

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 relative to TANF and Medicaid and WAC 388-424-0020 relative to federal food stamps.

(2) Qualified aliens are aliens:

- (a) Who are 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) Legal immigration status under sections 204(a)(1)(A)(iii)(I) and 204 (a)(1)(A)(iv) of the INA; or

(B) Suspension of deportation or cancellation of removal under section 244 (a)(3) 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., who do not meet the definition of a qualified alien as defined in subsection (2) of this section, 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 first physically 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 388-462-0015;

(ii) Children, through the children's health program, as specified in WAC 388-505-0210;

(iii) Persons eligible for or receiving cash assistance under the state family assistance program (SFA); 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 as specified in WAC 388-438-0110.

(4) A person's alien status is not used to determine eligibility for the medically indigent program as described in WAC 388-438-0100.

NEW SECTION

WAC 388-424-0015 Citizenship and alien status—Eligibility requirements for the state family assistance program. (1) Aliens who first physically enter the U.S. on or after August 22, 1996 can receive 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 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 388-424-0020 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.

(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 eighteen years of age; or

(ii) Step-parent while the alien was under eighteen years of age 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).

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); and

(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 concludes 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 388-428-0010 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; and

(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; and

(d) There is no substantiated claim or pending investigation involving abuse or neglect of any child by the parent;

(e) There are no pending proceedings as listed in subsections (1)(b) through (d).

(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

(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.

PERMANENT

(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 as listed in WAC 388-478-0015;

(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 the conditions in WAC 388-448-0005.

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:

(a) Is not employed, or is employed less than 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 meets a quarter of work when 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 and medical assistance. (1) Clients receiving cash assistance are required to have eligibility redetermined at least once every twelve months. The redetermination will be based on information provided 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 there are a number of eligibility changes to be reviewed. 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 responding to the eligibility redetermination request and attending an interview if required under WAC 388-452-0005.

(5) Clients who do not respond to a notice of redetermination will be considered to be withdrawing their request for continuing assistance. Termination of medical assistance will occur if there is insufficient information to redetermine medical program eligibility.

(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 who become ineligible for cash assistance continue to receive the same medical coverage until a redetermination for other medical programs is completed.

(8) Clients not requesting a continuation of cash assistance have a right to be considered for other medical program eligibility.

(9) Clients receiving CN medical only remain eligible until a redetermination of eligibility for other medical programs is completed.

(10) Recipients who are assessed as needing necessary supplemental accommodation (NSA) services will be assisted in complying with the requirements of this section as specified under WAC 388-200-1300.

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 under WAC 388-406-0035.

(6) See chapter 388-458 WAC for adequate notice and translation requirements.

Chapter 388-436 WAC**EMERGENCY CASH ASSISTANCE****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:

(a) To prevent eviction or foreclosure when the household has received a formal written notice of the eviction, notice to pay or vacate, or foreclosure;

(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. An expenditure is considered reasonable when:
 - (A) The expenditure is less than the amount specified in WAC 388-436-0050; or
 - (B) The specific circumstances and need for the expenditure is judged reasonable by the department.

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 WAC 388-468-0010.
- (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 care;
 - (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 WAC 388-454-0010; 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 under eighteen years of age, 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 cannot 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, Work-First under chapter 388-310 WAC, 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 for CEAP. (1) Estimated income, resources and circumstances of the following persons are used in determining need and payment for CEAP:

(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 for CEAP. Resources and income listed below will not be considered in determining need or payment for CEAP:

(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 for the TANF program under WAC 388-450-0015, 388-470-0020, and 388-470-0025 and by federal law.

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 388-436-0045 Income deductions for CEAP.

The following deductions are allowed when determining the CEAP assistance unit's net income:

- (1) A 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.

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 maintenance	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.

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:

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.

PERMANENT

Chapter 388-438 WAC

EMERGENCY ASSISTANCE FOR MEDICAL NEEDS

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 client must have had a qualifying emergency medical condition 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 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 a singly 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) Conditions which require the following services meet the definition of emergency for MI, but the client is exempt from the EMER requirement:

(a) Treatment under the involuntary treatment act (ITA); and

(b) DETOX services; and

(c) Institutional and/or waived services.

(7) Pregnancy meets the definition of emergency for MI. A pregnant client must meet the EMER requirements.

(8) Resource rules for the MI program follow the TANF and TANF-related resource rules in chapter 388-470 WAC.

(9) 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, for the client to be eligible for MI.

(10) A client 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 who is 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) Limited to 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 the department, or designee, authorizes department staff to request an exception to a rule in the Washington Administrative Code (WAC) for individual cases when:

(a) The exception would not contradict a specific provision of federal law or state statute; and

(b) The client's situation differs from the majority; and

(c) It is in the interest of overall economy and the client's welfare; and

(d) It increases opportunities for the client to function effectively; or

(e) A client 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; and

(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/or food assistance if the person is:

(a) Fleeing to avoid prosecution, custody, or confinement after conviction of a crime, or an attempt to commit a crime which is considered a felony in the place from which 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/or 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.

(4) Clients must comply with all FS E&T program requirements as provided in subsection (5) of this section. Failure to comply without good cause will disqualify the client from receiving food assistance:

(a) Good cause rules are provided in WAC 388-444-0050; and

(b) Disqualification rules are provided in WAC 388-444-0055.

(5) Nonexempt clients are required to:

(a) Report to DSHS or the service provider and participate as required;

(b) Provide information regarding employment status and availability for work as requested;

(c) Report to an employer when referred by DSHS; and

(d) Accept a bona fide offer of suitable employment. Unsuitable employment is defined in WAC 388-444-0060.

(6) A nonexempt client will participate in one or more of the following activities:

(a) Job search;

(b) General education development (GED) classes; or

(c) English as a second language (ESL) classes.

(7) A client is not required to participate in FS E&T activities more than one hundred twenty hours in a month. Hours of participation may include a combination of FS E&T activities as described in subsection (6) of this section and hours worked for pay, either cash or in-kind.

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 388-444-0030.

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 school; 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 days or more; 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 388-444-0025 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 WAC 388-450-0185.

NEW SECTION

WAC 388-444-0030 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 388-444-0035, 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 388-444-0040.
 - (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-approved employment and training program.

NEW SECTION

WAC 388-444-0035 Clients who are exempt from ABAWD provisions. A client is exempt from the ABAWD rules provided in WAC 388-444-0030 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 years of age 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;
 - (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 388-444-0040 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 a client's actual expenses needed for the client to participate in Workfare. Standards for paying expenses are set by the department.

NEW SECTION

WAC 388-444-0045 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 388-444-0030, 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 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 388-444-0050 Good cause for failure to register for work or for not participating in the FS E&T program. (1) A nonexempt client may have good cause for refusing or failing to register for work or 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 388-444-0055 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 388-444-0050, is disqualified and cannot receive food assistance. The disqualified client is an ineligible assistance unit member as provided in WAC 388-450-0140. 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 client complies with program requirements:

(a) For the first failure to comply, one month;

(b) For the second failure to comply, three months; and

(c) For the third or subsequent failure to comply, 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 for failure to comply with requirements comparable to FS E&T requirements; 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.

NEW SECTION

WAC 388-444-0060 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 is 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 388-444-0065 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 388-444-0070 Good cause for quitting a job. Unless otherwise specified the following rules apply to all food assistance clients. (1) Good cause for quitting a job includes the following:

(a) For all food assistance clients, the employment is unsuitable as defined under WAC 388-444-0060;

(b) 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;

(c) Work demands or conditions make continued employment unreasonable, such as working without being paid on schedule;

(d) The client accepts other employment or is enrolled at least half time in any recognized school, training program, or institution of higher education;

(e) 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;

(f) The client who is under age sixty and retires as recognized by the employer;

(g) 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;

(h) 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; and.

(i) For FS E&T participants, circumstances included under WAC 388-444-0050;

(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.

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 388-444-0075 Disqualifications for quitting a job without good cause. (1) If the client quits a job 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, one month;

(b) For the second quit, three months; and

(c) For the third or subsequent quit, 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 388-444-0040;

(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 who has been 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) A recipient's cash benefits are terminated following advance or adequate notice requirements as specified in WAC 388-418-0030.

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. However, 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 will contain 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 issues a preliminary decision based on evidence presented by the department establishing the person committed and intended to commit an IPV. The department and the client each have the right to request a review of the ALJ's decision by writing to the department's board of appeals as specified in WAC 388-08-464.

(10) A final decision of the disqualification hearing is mailed by the department's board of appeals.

(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.

(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 388-446-0020 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.

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 (SSA) disability criteria; or

(2) Eligible for services from the division of developmental disabilities (DDD); 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) For ninety days after release from a medical institution where the person received long-term care services from the aging and adult services administration; or

(8) Approved by the Progressive Evaluation Process (PEP); or

(9) Still incapacitated at redetermination because their medical or mental condition has not clearly improved and no error is found in the previous incapacity determination.

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 physically and/or mentally impaired to such a degree that their ability to support or care for a child is substantially reduced or eliminated. The incapacity must be sup-

ported by medical evidence and be expected to last at least thirty days; or

(2) Is eligible for payments based on SSA 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. (1) For TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs:

(a) All available income owned or possessed by a client is considered when determining the client's eligibility and benefit level.

(b) 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.

(c) Income owned by a client is considered available when it is at hand and may be used to meet the client's current need.

(d) 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.

(i) A client's eligibility is not affected until the income is received as long as the client makes reasonable efforts to make potential income available; and

(ii) A client may choose whether to receive TANF/SFA or Supplemental Security Income (SSI) benefits.

(e) 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. For medical programs, financial responsibility is described in WAC 388-408-0055.

(f) For medical programs, the income of a financially responsible person, not living in the home is considered available to the extent it is contributed.

(g) 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:

(i) 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

(ii) The funds have been considered by the Social Security Administration (SSA) when determining the other account holder's eligibility for SSI benefits.

(2) For TANF/SFA, RCA, GA and food assistance programs the income of an alien's sponsor is considered available to the alien under the rules of this chapter when determining the alien's eligibility and benefit level.

(3) For SSI-related medical:

(a) Income is considered available and owned when it is:

(i) Received; and

(ii) Can be used to meet the client's needs for food, clothing and shelter, except as provided in WAC 388-511-1130.

(b) Loans and certain other receipts are not defined as income for SSI-related purposes as described in 20 C.F.R. Sec. 416.1103.

(4) For medical programs, trusts are described in WAC 388-505-0595.

NEW SECTION

WAC 388-450-0010 Liens against potential time-loss compensation. This section applies to TANF/SFA, RCA, GA and TANF/SFA-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) Determine what portion of the award, if any, resulted directly from the attorney's involvement;

(b) Determine the department's proportionate share of attorney fees and costs applicable to the duplicate coverage period; and

(c) Deduct the department's share of cost in subsection (b) of this section from the lien for duplicated assistance; or

(d) 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. This section applies to TANF/SFA, RCA, GA, TANF/SFA-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 (EITC) 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; and

(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.

(i) Child support payments received by TANF/SFA recipients which have been assigned to the department as a condition of receiving assistance.

(2) For food assistance programs, the following income types are excluded:

(a) Emergency additional requirements authorized to TANF/SFA and RCA clients under WAC 388-436-0001 and paid directly to a third party;

(b) Cash donations based on need received directly by the household if the donations are:

(i) Made by one or more private, nonprofit, charitable organizations; and

(ii) Do not exceed three hundred dollars in any federal fiscal year quarter.

(c) Infrequent or irregular income, received during a three-month period by a prospectively budgeted assistance unit, that:

(i) Cannot be reasonably anticipated as available; and

(ii) Does not exceed thirty dollars for all household members.

(3) 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, RCA, GA-S, and GA-H, the assistance unit is ineligible if its gross income exceeds 185 percent of the need standard as specified in 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 as specified in WAC 388-478-0060.

(4) 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. Disregarded income includes but is 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 excluded. 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 including child care 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 nonprofit 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 (see WAC 388-450-0150 if the spouse has 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, under twenty-one years of age, 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 unreimbursed 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 excluded.

(18) The amount of a client's EITC payment is excluded.

(19) 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.

(20) 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.

(21) 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.

(22) 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.

(23) 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.

(24) 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.

(25) Other payments excluded under federal or state law, including but not limited to those described in WAC 388-450-0015 (1)(b) through (g).

(26) Payments from *Susan Walker v. Bayer Corporation*, et al., 96-c-5024 (N.D. Ill.) (May 8, 1997) settlement funds are excluded as income. Any interest earned on this income is considered unearned income under WAC 388-450-0025.

NEW SECTION

WAC 388-450-0025 Unearned income. This section applies to TANF/SFA, RCA, GA, TANF/SFA-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) For food assistance programs, unearned income includes the amount of cash benefits due the client prior to any reductions caused by the client's failure to perform an action required under a federal, state, or local means-tested public assistance program.

(3) Unearned income is budgeted in its entirety.

NEW SECTION

WAC 388-450-0030 Earned income definition. Unless specifically stated, this section applies to TANF/SFA, RCA, GA, TANF/SFA-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) Earned income from self-employment is determined as specified under WAC 388-450-0080.

(3) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, earned income includes time-loss compensation as specified in WAC 388-450-0075.

(4) For food assistance programs only, income in-kind is excluded.

NEW SECTION

WAC 388-450-0035 Educational benefits. This section applies to TANF/SFA, RCA, GA, TANF/SFA-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 grants; 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) Assistance under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391 for attendance costs identified by the institution as specified in subsections (3) and (4) of this section; 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 under subsection (2)(a) of this section for the following attendance costs is not counted when a student is attending school less than 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) Educational assistance under subsection (2)(a) of this section for a student attending school at least half-time for the following attendance costs in addition to the costs specified in subsection (3) of this section:

- (a) Books;
- (b) Supplies;
- (c) Transportation;
- (d) Dependent care; and
- (e) Miscellaneous personal expenses.

(5) For TANF/SFA, RCA, GA, and TANF/SFA-related medical 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 TANF/SFA, RCA, GA, and TANF/SFA-related medical 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. This section applies to TANF/SFA, RCA, GA 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. This section applies to TANF/SFA, RCA, GA, and food assistance 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 TANF/SFA, RCA, and GA 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 and incentive payments under JTPA are excluded as income.

(2) Payments issued under the National and Community Service Trust Act of 1993 (Americorps) are treated as follows:

(a) For cash assistance, living allowances or stipends paid under Americorps are considered earned income.

(b) For food assistance, living allowances or stipends paid under AmeriCorps are excluded income.

(3) Americorps/VISTA stipends and living allowances paid to VISTA volunteers under the Domestic Volunteer Act of 1973:

(a) For TANF/SFA, RCA, and GA assistance, are disregarded as income; and

(b) For food assistance, are disregarded as income, if the client received:

(i) Food assistance or cash assistance at the time they joined the Title I program; or

(ii) An income disregard for the Title I program at the time of conversion to the Food Stamp Act of 1977. Disregard of Title I program income will continue through temporary interruptions in food assistance participation.

(4) For TANF/SFA, RCA, and GA assistance, needs based payments issued under Americorps are treated like JTPA payments as provided in subsection (1)(b) of this section.

(5) 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.

(6) For training allowances received by GA-U clients:

(a) The earned income incentive and work expense deduction specified under WAC 388-450-0175 is applied when applicable; and

(b) For clients enrolled in a remedial education or vocational training course, the actual cost of uniforms or special clothing required for the course is deducted from the training allowance.

(7) 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. This section applies to the TANF/SFA program.

(1) The monthly wage received by a TANF/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, this section applies to TANF/SFA, RCA, GA, medical and food assistance programs.

(1) Funds received from other agencies and organizations are 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) For TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance, 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. This section applies to TANF/SFA, RCA, GA, and TANF/SFA-related medical assistance. A one-time lump sum payment is treated as follows:

(1) Compensatory awards or related settlements are considered countable resources as provided in WAC 388-470-0080.

(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, RCA, GA-S, GA-H, and TANF/SFA-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, RCA, GA-S, GA-H, GA-U and TANF/SFA-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 section applies to TANF/SFA, RCA, GA-H and TANF/SFA-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 months 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 Income from time-loss compensation. (1) Temporary disability insurance payments and temporary worker's compensation payments are treated as earned income for TANF/SFA, RCA, GA-S, GA-H, and TANF/SFA-related medical 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.

(3) For TANF/SFA, RCA, GAS, GA-H and TANF/SFA-related medical programs, temporary disability insurance payments and temporary worker's compensation payments not considered to be earned income as described in subsection (1) and (2) of this section, are treated as unearned income as specified in WAC 388-450-0025.

(4) For the GA-U program, temporary disability insurance payments and temporary worker's compensation payments are treated as unearned income as specified in WAC 388-450-0025.

NEW SECTION

WAC 388-450-0080 Self-employment income—General rules. This section applies to TANF/SFA, RCA, GA, TANF/SFA-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 of personal property or real estate owned by the client; and
- (e) Self-produced or supplied items.

NEW SECTION

WAC 388-450-0085 Self-employment income—Allowable expenses. The following self-employment expenses are allowed as deductions from gross self-employment income for TANF/SFA, RCA, GA, medical and food assistance programs unless otherwise specified:

- (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 TANF/SFA, RCA, and GA assistance programs only, 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 TANF/SFA, RCA, GA, TANF/SFA-related medical or food assistance programs:

(a) Payments on the principle of the purchase price of income-producing:

- (i) Real estate and capital assets;
- (ii) Equipment;
- (iii) Machinery; and
- (iv) Other durable goods.

(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; and

(e) Entertainment expenses.

(2) The following expenses cannot be deducted from self-employment income for food assistance programs only:

(a) Federal, state, and local income taxes;

(b) Retirement funds; or

(c) Personal work-related expenses.

NEW SECTION

WAC 388-450-0095 Allocating income—General.

This section applies to TANF/SFA, RCA, and GA assistance 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 TANF/SFA, RCA, and GA 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 education development (GED) certification 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 ineligible for cash assistance due to citizenship/alien status requirement in chapter 388-424 WAC;

(b) Has been disqualified from receiving assistance under WAC 388-446-0010 based on a conviction 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 disqualified from receiving assistance under WAC 388-446-0005 based on a conviction for unlawfully receiving public assistance;

(d) Has been disqualified from receiving assistance under WAC 388-442-0010 for having been convicted after August 21, 1996, under federal or state law, of possession, use or distribution of a controlled substance;

(e) Is disqualified from receiving assistance under WAC 388-442-0010 for fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime;

(f) Is disqualified from receiving assistance under WAC 388-442-0010 for violating 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.

This section applies to TANF/SFA, GA-S, RCA, RMA 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) Any applicable earned income incentive and work expense or deduction for the financially responsible person in the assistance unit, if that person 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. This section applies to the GA-U 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. This section applies to TANF/SFA, RCA and GA-S 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 a pregnant or parenting minor. This section applies to TANF/SFA, RCA and GA-S 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. This section applies to TANF/SFA, RCA and GA-S programs.

(1) Income of the father of the unborn child is allocated to a pregnant woman under the following conditions:

(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 388-450-0115.

NEW SECTION

WAC 388-450-0130 Allocating the income of a nonapplying spouse to a caretaker relative. This section applies to TANF/SFA and RCA 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 388-478-0020.

(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) This section applies to the GA-U 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 as specified under WAC 388-478-0030 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) A share of the income of the ineligible person is counted as income to the eligible assistance unit members after prorating the income among all members, including the ineligible member, and excluding the ineligible person's share;

(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 a 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 spouse or parent is allocated to the needs of the applicant. This occurs when the 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 receiving SSI; and

(d) Is either not related to SSI or is not applying for medical assistance.

(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 (26) 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) Allocate the applying spouse:

(i) Zero income when the financially responsible spouse's income equals or is less than one-half of the FBR after allowing the income exclusions in WAC 388-450-0020 (1) and (2); or

(ii) All of the financially responsible spouse's income when the income exceeds one-half of the FBR after allowing the income exclusions in WAC 388-450-0020 (1) and (2).

(4) If the income of the financially responsible spouse described in subsection (3) of this section 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. This section applies to TANF/SFA and GA 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/SFA 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 (a) of this subsection 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/SFA 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/SFA 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 is considered an application; and

(b) For all other GA-U 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, this section applies 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/SFA. When applying the gross earned income limit as required under WAC 388-478-0035:

- (1) "Family" means:

(a) All adults and 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) "Gross earned income" does not include excluded income, as provided in WAC 388-450-0015.

(3) The following amounts are disregarded when determining a family's gross earned income:

(a) 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.

(b) Authorized ongoing additional requirement payment as defined in WAC 388-255-1050 through 388-255-1250.

NEW SECTION

WAC 388-450-0170 TANF/SFA earned income incentive and deduction. (1) This section applies to:

(a) TANF/SFA, GA-S, GA-H; and

(b) TANF/SFA-related medical programs except as specified under WAC 388-450-0210.

(2) When determining countable income, fifty percent of a client's monthly gross earned income is disregarded as an incentive to employment.

(3) The actual cost of care of each dependent child or incapacitated adult living in the same home and receiving TANF/SFA is deducted when determining countable income under the following conditions:

(a) An applicant is eligible for a dependent care deduction for expenses incurred prior to the open effective date in the month of grant opening on a prorated basis;

(b) A recipient is eligible for a dependent care deduction if:

(i) The assistance unit received AFDC on October 13, 1988;

(ii) The dependent care deduction was applied when determining the benefit level for that month;

(iii) The assistance unit has remained continuously eligible for AFDC or TANF/SFA since that time; and

(iv) The assistance unit has chosen to use the deduction rather than state-paid dependent care.

(4) The dependent care deduction specified in subsection (3) of this section is not allowed unless:

(a) The care provided by a parent or stepparent;

(b) The care provider verifies the cost incurred;

(c) The cost is incurred for the month of employment being reported; and

(d) The amount deducted for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following:

Dependent Care Maximum Deductions

Hours Worked Per Month	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. This section applies to the GA-U cash assistance program.

(1) When a client's countable income is determined, eighty-five dollars plus one half of the remainder of a client's monthly gross earned income is disregarded as an incentive to employment.

(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 TANF/SFA, RCA, GA assistance, countable income is income which:

(a) Cannot be excluded under the rules of this chapter;

PERMANENT

(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 388-450-0240.

(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.

(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 utility 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 is 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/SFA income methodology, as described in this chapter, is used to determine a client's countable income for the following programs:

- (a) TANF/SFA-related categorically needy (CN) or medically needy (MN);
- (b) TANF/SFA-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; and
- (g) Medically Indigent (MI) program.

(4) Exceptions to the TANF/SFA 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) Actual work related child care expenses, which are the client's responsibility, are income deductions (the limits on this deduction in WAC 388-450-0170 (3) and (4) do not apply);

(d) Court or administratively ordered current or back support paid to meet the needs of legal dependents, are income deductions;

(e) Income actually contributed to an alien client from the alien's sponsor;

(f) TANF/SFA gross earned income limits as described in WAC 388-450-0165 do not apply;

(g) 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) Actual work related child care expenses, as described in subsection (4)(c) of this section.

(h) 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 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 WAC 388-470-0040(3), are treated as unearned income.

NEW SECTION

WAC 388-450-0215 Prospective budgeting. Unless specifically stated, this section applies to TANF/SFA, RCA, GA, 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 TANF/SFA, RCA and GA assistance:

(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.

(4) For TANF/SFA, RCA, GA, 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 388-456-0010;

(b) The members are migrant workers. A migrant worker is a person who works in seasonal agricultural employment that requires the person to be away from their permanent place of residence overnight;

(c) All members are homeless as defined in WAC 388-408-0050; or

(d) For food assistance programs the only income is from seasonal farm work:

(i) A seasonal farm worker is a person working in seasonal agricultural employment but not required to be away from their permanent place of residence overnight; and

(ii) A seasonal farm worker assistance unit means an assistance unit which receives its only income from seasonal farm work or unemployment compensation.

(6) Public assistance income is budgeted prospectively.

NEW SECTION

WAC 388-450-0220 Retrospective budgeting. This section applies to all TANF/SFA, RCA, GA, 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 during which 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 388-450-0215(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:

(a) The assistance unit's benefits are reopened after being 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 person with income is added to the assistance unit and their income had been allocated to the 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 TANF/SFA, RCA, GA, 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 TANF/SFA, RCA, and GA assistance, a net lump sum payment, as determined under WAC 388-450-0060, 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/SFA-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. This section applies to TANF/SFA, RCA, GA and food assistance programs.

- (1) An assistance unit's benefits are suspended when the assistance unit's countable net income makes the assistance unit ineligible for 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. This section applies to all TANF/SFA, RCA, GA, 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 under nineteen years of age and the application is for a medical program for children.

(6) Applicants 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) Applicants 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/SFA 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) and state family assistance (SFA) recipients.

(1) For TANF/SFA, 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/SFA recipients for a history of family violence;

(b) Notify TANF/SFA recipients about the family violence amendment both verbally and in writing;

(c) Maintain confidentiality as stated in RCW 74.04.060;

(d) Offer referral to social services or other resources for clients who meet the criteria in subsection (1) of this section;

(e) Waive WorkFirst requirements that unfairly penalize victims of family violence, would make it more difficult to escape family violence or place victims at further risk. Requirements to be waived may include:

(i) Time limits for TANF/SFA recipients, for as long as necessary (after fifty-two months of receiving TANF/SFA);

(ii) Cooperation with the division of child support.

(f) Develop specialized work activities for instances where participation in regular work activities would place the recipient 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 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 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; and

(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) DCFS 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, and RCA cash assistance;

(b) GA-S;

- (c) GA-H; and
- (d) Food assistance program.
- (2) Medical-only clients are not required to report monthly.
- (3) Assistance units which must report the income and circumstances of all members monthly are:
 - (a) Those with earned income;
 - (b) Those with recent work history as defined in WAC 388-456-0010; 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.
- (4) Assistance units subject to monthly reporting must return a completed report on a form specified by the department.
 - (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.
 - (5) 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.
 - (6) When a food assistance unit is required to report monthly the requirements to report changes of circumstance in chapter 388-418 WAC do not apply.

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. The reinstated benefits are calculated to include work incentives.

(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.

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 as defined in WAC 388-450-0215;

(2) Homeless assistance units as defined in WAC 388-408-0050;

(3) Assistance units with a recent work history in which all adult members are:

- (a) Elderly as defined in WAC 388-404-0015; or
- (b) Disabled as defined in WAC 388-400-0040; or

(4) Assistance units whose sole income is from college work study issued from either:

- (a) Title IV of the Higher Education Amendments; or
- (b) Bureau of Indian Affairs student assistance programs; and

(5) For food assistance programs only, seasonal farm worker assistance units as defined in WAC 388-450-0216.

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.

(3) Notice of a decision to deny or withdraw an application must be provided as required under chapter 388-406 WAC.

(4) Notices to clients who qualify for necessary supplemental accommodation services will be provided as required under WAC 388-200-1300.

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;
- (4) The recipient's right to request a fair hearing, including the circumstances under which assistance may be continued if a hearing is requested;
- (5) Timely notice of a decision to terminate, suspend, or reduce assistance must be provided as required under WAC 388-418-0030; and
- (6) Notices to clients who qualify for necessary supplemental accommodation services will be provided as required under WAC 388-200-1300.

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 BENEFIT ISSUANCES

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 identification (MAID) 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 MAID 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 a facility acting as authorized representative.

(2) Residents in chemical dependency treatment centers 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) When assigning an employee as the authorized representative for residents, a facility 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 meets the requirements of WAC 388-400-0020.

(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 is eligible for CN medical coverage if she meets the following requirements as described in WAC 388-503-0505:

(a) Citizenship or immigration status (chapter 388-424 WAC); and

(b) Social Security Account Number (chapter 388-474 WAC); and

(c) Washington state residence (chapter 388-468 WAC); and

(d) Countable income meets the standard described in WAC 388-478-0075.

(3) A pregnant woman is considered for medically needy (MN) program coverage if she meets the requirements in subsection (2)(a) through (c) of this section and:

(a) Her countable income is greater than the standard in subsection (2)(d) of this section; and

(b) Her countable resources do not exceed the standard in WAC 388-478-0070.

(4) A pregnant woman is eligible for CN scope of care under the state-funded pregnant woman program if she is not eligible for programs in subsection (2) of this section due to citizenship, immigrant or Social Security Number requirements.

(5) A pregnant woman is considered for MN scope of care under the state-funded pregnant woman program if:

(a) She is not eligible for the program under subsection (4) of this section because her income exceeds the standard; and

(b) Her resources do not exceed the standard in WAC 388-478-0070.

(6) A pregnant woman is considered for the medically indigent (MI) program if her resources exceed the standards in WAC 388-478-0070.

(7) Only the income of an unmarried father of an unborn actually contributed to a pregnant woman is considered as income to her.

(8) There are no resource limits for the programs described in subsections (2) and (4) of this section.

(9) The assignment of child support and medical support rights as described in chapter 388-422 WAC do not apply to pregnant women.

(10) Unless stated otherwise, this section contains the only eligibility requirements for pregnant women to qualify for medical coverage.

(11) 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

(b) The pregnancy ends, for a pregnant woman receiving MI benefits.

(12) 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 or 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 (f) 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 388-468-0005 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.
- (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) of this section, 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) Detoxification 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 enters Washington state temporarily just to get medical care does not meet the definition of a resident and is not eligible for those services.

(8) For purposes of medical programs a client's residence is the state:

- (a) Making a state Supplemental Security Income (SSI) payment; or
- (b) Making federal payments for foster or adoption assistance under Title IV-E of the Social Security Act; or
- (c) Of residence of the parent or legal guardian, if appointed, for an institutionalized:
 - (i) Minor child; or
 - (ii) Client twenty-one years of age or older, who became incapable of determining residential intent before reaching age twenty-one.

(d) Where a client is residing if the person becomes incapable before reaching twenty-one years of age; or

(e) Making a placement in an out-of-state institution.

(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.

(1) A resource is personal property or real property or certain types of payments that are not considered income 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) For SSI-related medical a resource is considered available when the client or spouse:

- (a) Owns the resource; and
- (b) Has the authority to convert the resource to cash; and
- (c) Is not legally restricted from using the resource for the person's support and maintenance.

(4) For an SSI-related client a resource is available on the first day of the month following receipt of the resource.

(5) 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.

(6) For medical programs, if the household consists of more than one medical assistance unit (MAU), the resources for each MAU are considered according to the related program.

(7) An assistance unit's resources are determined by:

(a) Disregarding all excluded resources;

(b) Adding the value of:

(i) Resources that are in excess of the excluded dollar amounts; and

(ii) Resources that are countable; and

(c) Comparing the total countable resources to the applicable resource limit for the assistance unit;

(d) If the total resources exceed the applicable resource limit, the assistance unit's benefits are denied or terminated except for institutional medical programs as described in WAC 388-513-1395.

(8) The value of a resource is the equity value. The equity value is the amount a person could receive for the resource (fair market value) minus the legal amount still owing. 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.

(9) 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 (8)(b) of this section.

NEW SECTION

WAC 388-470-0010 How to determine who owns a resource. Unless specifically stated, this section applies to all cash, TANF-related medical and food assistance 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) For cash assistance, community property owned by the husband or wife or both will be used to determine eligibility for the assistance unit, regardless that one or both are clients.

(6) 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.

(7) 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. (1) A resource is considered available when a cash, TANF/SFA-related medical or food assistance program client has:

(a) Actual title;

(b) Control over and can legally dispose of it; and

(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, for cash assistance only, the client must take reasonable action to make the resource available.

(3) A client may provide evidence that a resource is unavailable.

(4) For medical programs a resource is considered unavailable when the client or spouse:

(a) Does not own the resource;

(b) Does not have the authority to convert the resource to cash;

(c) Is legally restricted from using the resources for the person's support and maintenance;

(d) Cannot convert the resource to cash within twenty work days; and

(e) Makes a reasonable effort to convert noncash resources to cash.

(5) 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. Resources that do not count toward a cash, medical or food assistance client's resource limit are:

(1) Burial plot:

(a) For cash assistance and TANF/SFA-related medical programs other than SSI-related, 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.

(c) For SSI-related medical the limits are described in WAC 388-470-0040 (14) and (15).

(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) The value of a sales contract is excluded for TANF-related medical. Sales contracts for SSI-related medical are described in WAC 388-470-0040;

(7) Resources excluded by federal law;

(8) Trust accounts when not available to the assistance unit except as specified in WAC 388-470-0015(2).

NEW SECTION

WAC 388-470-0025 Excluded resources. The following resources 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 which means the loan is a debt a client owes and has an obligation to repay.

(3) Earned income tax credit in the month received and the following month.

(4) For cash assistance only, excess real property on which a client is not living:

(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) Upon cash assistance approval, the agreement to repay is sent to office of financial recovery to file a lien without a specified amount; or

(c) Is used in a self-employment enterprise and meets the criteria in subsection (10) of this section.

(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.

(9) Income tax refunds are excluded in the month the refund is received.

(10) A bank account jointly owned with an SSI recipient when SSA counted the funds to determine the SSI recipient's eligibility.

(11) 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.

(12) Retroactive cash benefits or TANF benefits resulting from a court order modifying a department policy.

(13) Self-employment-accounts receivable that a client bills to the client's customer but has been unable to collect.

(14) SSI recipient's income and resources.

NEW SECTION

WAC 388-470-0030 Excluding a home as a resource.

(1) For cash and TANF-related medical assistance programs a home with a reasonable amount of surrounding property is excluded when the home is owned and used as a resident by the client or the client's dependents.

(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 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:

(a) Is making a good faith effort to sell; or

(b) Is planning to return to the home and it is not occupied due to:

(i) Employment;

(ii) Training for future employment;

(iii) Illness; or

(iv) 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 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 it is sold, would only result in a gain to the household of 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.

NEW SECTION

WAC 388-470-0040 Additional excluded resources for SSI-related medical assistance. In addition to other SSI-related resource exclusions in this chapter the resources in this section are excluded when a client's eligibility for SSI-related medical assistance is determined.

(1) A client's household goods and personal effects are excluded.

(2) 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.

(3) Proceeds, including cash or a sales contract, from the sale of the home described in subsection (2) 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.

(4) 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 principle 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.

(5) A sales contract is a nonexcluded resource when:

(a) It does not meet the conditions in subsection (4); or

(b) The client transferred it to someone other than the client's spouse. See WAC 388-513-1365.

(6) When a client owns a sales contract as described in subsection (5), the portion of the payment which represents the:

(a) Principle is counted as an available resource; and

(b) Interest is counted as unearned income.

(7) The equity value of one vehicle 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.

(8) 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.

(9) Resources necessary for a client, who is blind or disabled, to enable them to fulfill an approved self-sufficiency plan are excluded.

(10) 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.

(11) 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 388-478-0070 and 388-478-0080.

(12) 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.

(13) 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 (13)(a) and (b) of this section.

(d) Except, any settlement excluded and not used within the allowable time period as described under this subsection as an available resource.

(14) Burial spaces for the client and any member of the client's immediate family, as described in subsection (16) 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.

(15) 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

PERMANENT

agreement, which is left to accumulate as part of the value of the burial space purchase agreement.

(16) Immediate family, for purposes of subsection (14) 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.

(17) 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.

(18) Funds which a client has specifically set aside solely for burial expenses, as described in subsection (17) 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
- (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.

(19) The limitation described under subsection (17)(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 (11) of this section; and

(b) Amounts in an irrevocable burial trust.

(20) 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.

(21) All resources specifically excluded by federal statute are not counted.

(22) 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.

(23) 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.

(24) 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.

(25) 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.

(26) Earned income tax credit refunds and payments are excluded as resources during the month of receipt and the following month.

(27) Payments from a state administered victim's compensation program are excluded for a period of nine calendar months after the month of receipt.

(28) 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 as specified under WAC 388-450-0025.

(29) Payments from *Susan Walker v. Bayer Corporation, et al.*, 96-c-5024 (N.D. Ill.) (May 8, 1997) settlement funds are excluded. Any interest earned on these payments is counted as unearned income as specified under WAC 388-450-0025.

(30) 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. (1) The following resources are counted toward the resource limits for cash, food assistance and TANF-related medical programs:

(a) Liquid resources such as cash on hand, monies in checking or savings accounts;

(b) Motor home when not used as a residence; or

(d) Stocks or bonds minus any early withdrawal penalty.

(2) 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.

(3) A client may provide evidence that all or a portion of a jointly owned resource:

(a) Belongs to the other owner; and

(b) Is held for the benefit of the other owner.

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 388-470-0050 Resources that count. Unless otherwise specified the following resources count toward a cash or TANF-related medical 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: With the exception of sales contracts for the purposes of TANF-related medical, 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

(b) 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.

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 countable resource, as specified under WAC 388-470-0015(2).

NEW SECTION

WAC 388-470-0070 How vehicles are counted toward the resource limit for cash assistance and TANF/SFA-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 is excluded.

(3) The equity value of one vehicle up to five thousand dollars is excluded when the vehicle is used by the assistance unit or household as a means of transportation. Each separate medical assistance unit is allowed this exclusion.

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 Compensatory award or related settlement lump sum payments. This section applies to cash and TANF-related medical assistance programs. (1) A non-recurring 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 (1) 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. A client has the right to get a receipt when leaving an application or other materials with the department;

(c) Have an application promptly accepted and promptly acted upon;

(d) 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. If a pregnant client requests an interview, she has a right to have one within five working days;

(e) 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;

(f) Be fully informed, in writing, of all legal rights and responsibilities in connection with public assistance;

(g) Have information kept private. The department may share some facts with other agencies for efficient management of federal and state programs;

(h) 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;

(i) For cash assistance programs, ask for extra money to help in an emergency, such as an eviction or a utility shutoff;

(j) Get a written notice, in most cases, at least ten days before the department makes changes to lower or stop benefits;

(k) 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;

(l) Have interpreter or translator services at no cost or undue delay;

(m) 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;

(n) 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; and

(o) Receive help from the department to register to vote.

(2) A client is responsible for:

(a) Reporting any changes to the department within ten days for all cash and food assistance programs and twenty days for all medical assistance programs;

(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 department generated notification of eligibility to the medical care provider.

(3) Clients will be screened and provided with necessary supplemental accommodation as specified under WAC 388-200-1300.

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) under Title XVI of the Social Security Act.

(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 supplement 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 (CN) 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) A person designated as an essential person in January, 1974, qualifies for CN medical coverage as long as they continue to reside with the SSI recipient.

(3) The spouse of an SSI recipient designated as an ineligible spouse 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.

(4) Persons who are not receiving SSI, but are SSI-related and qualify for CN medical assistance are described in WAC 388-505-0110.

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 eligible SSI recipient qualifies for inclusion in the SSI grant and is not eligible for general assistance benefits.

NEW SECTION

WAC 388-474-0015 Termination of SSI. (1) A person terminated from SSI cash assistance will have CN medical coverage continued when:

(a) Countable income exceeds the SSI income standard due solely to the annual cost-of-living adjustment (COLA); or

(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 is eligible for continued CN medical coverage for a period of up to one hundred twenty days from the date of termination of SSI cash benefits while eligibility for other cash or medical programs is being determined.

(3) A terminated SSI or SSI-related 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.

(4) Children terminated from SSI due to loss of status as a disabled person may be eligible for medical benefits under WAC 388-505-0210.

NEW SECTION

WAC 388-474-0020 Duplicate assistance and over-payments. (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 over-payment 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 as described in WAC 388-505-0210(1) is eligible for categorically needy (CN) medical without meeting the SSN requirement. These coverage provisions continue until one of the following occurs:

- (a) The newborn leaves the household of the birth mother; or
 - (b) 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 and medical assistance program;
 - (c) The medically indigent program;
 - (d) The alien emergency medical program;

- (e) The state-funded pregnant woman program;
- (f) The children's health program; and
- (g) 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:

PERMANENT

- (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:

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 ben-

efit 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),

PERMANENT

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 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 supplement 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).

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
LIVING ALONE			
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).

	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
SHARED LIVING			
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.

PERMANENT

(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 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.

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).

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).

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
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

PERMANENT

10	3,508	2,699	4,451	919
Each Additional Member	+295	+227	+374	+92

NEW SECTION

WAC 388-478-0065 TANF/SFA-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/SFA-related categorically needy (CN) medical are the same as those of the TANF/SFA cash program as stated in WAC 388-470-0005.

(3) For all medical programs an unborn child is counted as a household member when determining household size.

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) For persons meeting the institutional status requirements of chapter 388-513 WAC, a special MNIL is used. That standard is in WAC 388-513-1305(2).

(3) 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.

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

(3) There are no resource limits for the programs under this section.

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

PERMANENT

(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 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;

Chapter 388-486 WAC

TEEN PARENTS

- (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
 - (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.

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 the person:

(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 WAC 388-450-0100 and 388-450-0115 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 education development (GED) certificate 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 WAC 388-450-0100 and 388-450-0115 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 only and does not affect Medicaid eligibility for a person who is not institutionalized. For transfer of property for institutional medical see WAC 388-513-1365.

(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 fair 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. 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) The benefits received by an assistance unit are not affected by the transfer of separate property of a spouse who is not a member of the assistance unit.

(6) An assistance unit's disqualification period is reduced when the client:

- (a) Verifies undue hardship will exist if the benefits are denied such as an eviction;
- (b) Secures a return of some or all of the transferred property or the equivalent value of the transferred property;
- (c) Verifies an unforeseen change in circumstances such as extensive hospitalization; or
- (d) Is responsible for and can verify medical expenses.

(7) When a disqualification period has been adjusted and the client is otherwise eligible, benefits will be authorized. Any benefits authorized because of the reason(s) in subsection (6) of this section, are not considered an overpayment.

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.

PERMANENT

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 388-406-0030 and 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.

(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 will pay the fee.

(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 previously provided before and the document is not subject to change, a client is not required to provide the verification again. This applies when the department determines eligibility at:

(a) The next application;

(b) Reinstatement of a program; or

(c) Redetermination of eligibility.

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 in chapters 388-400 through 388-555 WAC.

(2) Persons applying for medical coverage are considered first for federally funded or federally matched programs. State-funded programs are considered after federally funded programs are not available to the client except for brief periods when the state-funded programs offer a broad scope of care which meet a specific client need.

(3) Unless otherwise specified in program specific WAC, the eligibility criteria for each medical program are as follows:

(a) Verifiable of age and identity (chapters 388-404, 388-406, and 388-490 WAC); and

(b) Residence in Washington state (chapter 388-468 WAC); and

(c) Citizenship or immigration status in the United States (chapter 388-424 WAC); and

(d) Possession of a valid Social Security Account Number (chapter 388-474 WAC); and

(e) Assignment of medical support rights to the state of Washington (WAC 388-505-0540); and

(f) Cooperation in securing medical support (chapter 388-422 WAC); and

(g) Countable resources which are within program limits (chapters 388-470 and 388-478 WAC); and

(h) Countable income which are within program limits (chapters 388-450 and 388-478 WAC).

(4) In addition to the general eligibility requirements in subsection (3) of this section, each program has specific eligibility requirements as described in applicable WAC.

(5) Persons living in correctional institutions are not eligible for the department's medical coverage programs.

(6) Persons terminated from SSI or TANF cash grants and those who lose eligibility for categorically needy (CN) medical coverage have their CN coverage extended while their eligibility for other medical programs is redetermined. This extension of medical coverage is described in chapter 388-434 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 (SSI) program if they are:

(a) Aged, blind, or disabled as defined in WAC 388-511-1105(1); or

(b) Considered as eligible for SSI under WAC 388-511-1105(5); or

(c) Children meeting the requirements of WAC 388-505-0210(6).

(2) A person or family is considered to be related to the temporary assistance for needy families (TANF) program or the state-funded assistance (SFA) program if they meet:

(a) The program requirements for the TANF or the SFA cash assistance programs or the requirements of WAC 388-505-0220, 388-505-0210 (3) or (4), or 388-503-0310 (17)(b); or

(b) Would meet such requirements except that:

(i) The assistance unit's countable income exceeds the TANF or the SFA program standards in chapter 388-478 WAC; or

(ii) The assistance unit's countable resources exceed the cash program standards in chapter 388-470 WAC.

(3) Persons related to SSI or to TANF are eligible for categorically needy (CN) or medically needy (MN) medical coverage if they meet the other eligibility criteria for these medical programs. See chapters 388-505 and 388-519 WAC for these eligibility criteria.

(4) Persons related to SSI or to TANF and who receive the related CN medical coverage have redetermination rights as described in WAC 388-503-0505(6).

(5) Persons related to SFA are eligible for state-funded medical coverage as long as they meet the other eligibility criteria for the medical program. The state-funded medical coverage has the same scope of coverage as CN or MN coverage described in subsection (3) of this section.

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 categorically needy (CN) medical coverage. These clients receive medical coverage benefits without making a separate application. Certification for CN medical coverage parallels that for the cash benefits.

(2) Upon termination of cash benefits as described in subsection (1) of this section, 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.

(3) Families or individuals eligible for or related to state financial assistance (SFA) cash grants are eligible for state-funded medical coverage. For this program, the term "related-to" is defined parallel to WAC 388-503-0510(2). The scope of medical coverage parallels that for the federally funded CN program.

NEW SECTION

WAC 388-505-0110 Medical assistance coverage for adults not covered under family medical programs. (1) An adult who does not meet the institutional status requirements as defined in WAC 388-513-1320 and who does not receive waiver services as described in chapter 388-515 WAC is considered for categorically needy (CN) coverage under this chapter. Persons excluded from this section have rules applied to eligibility from chapter 388-513 WAC. Under this section a person is eligible for CN coverage when the person:

(a) Meets citizenship/immigrant, residency, and Social Security number requirements as described in WAC 388-503-0505; and

(b) Has CN countable income and resources that do not exceed the income and resource standards in WAC 388-478-0080; and

(c) Is sixty-five years of age or older, or meets the blind and/or disability criteria of the federal SSI program.

(2) An adult not meeting the conditions of subsection (1)(b) is eligible for CN medical coverage if the person:

(a) Is a current beneficiary of Title II of the Social Security Act (SSA) benefits who:

(i) Was a concurrent beneficiary of Title II and Supplemental Security Income (SSI) benefits;

(ii) Is ineligible for SSI benefits and/or state supplementary payments (SSP); and

(iii) Would be eligible for SSI benefits if certain cost-of-living (COLA) increases are deducted from the client's current Title II benefit amount:

(A) All Title II COLA increases under P.L. 94-566, section 503 received by the client since their termination from SSI/SSP; and

(B) All Title II COLA increases received during the time period in subsection (1)(d)(iii)(A) of this section by the client's spouse or other financially responsible family member living in the same household.

(b) Is an SSI beneficiary, no longer receiving a cash benefit due to employment, who meets the provisions of section 1619(b) of Title XVI of the SSA;

(c) Is a currently disabled client receiving widow's or widower's benefits under section 202 (e) or (f) of the SSA if the disabled client:

(i) Was entitled to a monthly insurance benefit under Title II of the SSA for December 1983; and

(ii) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the SSA for January 1984;

(iii) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to the client;

(iv) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the SSA;

(v) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent COLA increases provided under section 215(i) of the SSA, were disregarded;

(vi) Is fifty through fifty-nine years of age; and

(vii) Filed an application for Medicaid coverage before July 1, 1988.

(d) Was receiving, as of January 1, 1991, Title II disabled widow or widower benefits under section 202 (e) or (f) of the SSA if the person:

(i) Is not eligible for the hospital insurance benefits under Medicare Part A;

(ii) Received SSI/SSP payments in the month before receiving such Title II benefits;

(iii) Became ineligible for SSI/SSP due to receipt of or increase in such Title II benefits; and

(iv) Would be eligible for SSI/SSP if the amount of such Title II benefits or increase in such Title II benefits under section 202 (e) or (f) of the SSA, and any subsequent COLA increases provided under section 215(i) of the act were disregarded.

(e) Is a disabled or blind client receiving Title II Disabled Adult Childhood (DAC) benefits under section 202(d) of the SSA if the client:

(i) Is at least eighteen years old;

(ii) Lost SSI/SSP benefits on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(iii) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the DAC

and any subsequent COL increases provided under section 215(i) of the SSA were disregarded.

(f) Is a client who:

(i) In August 1972, received:

(A) Old age assistance (OAA);

(B) Aid to blind (AB);

(C) Aid to families with dependent children (AFDC); or

(D) Aid to the permanently and totally disabled (APTD);

and

(ii) Was entitled to or received retirement, survivors, and disability insurance (RSDI) benefits; or

(iii) Is eligible for OAA, AB, AFDC, SSI, or APRD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(3) An adult who does not meet the institutional status requirement as defined in WAC 388-513-1320 and who does not receive waiver services as described in chapter 388-515 WAC is considered for medically needy (MN) coverage under this chapter. Persons excluded from this section have rules applied to eligibility from chapter 388-513 WAC. Under this section a person is eligible for MN coverage when the person:

(a) Meets citizenship/immigrant, residency, and Social Security number requirements as described in WAC 388-503-0505; and

(b) Has MN countable income that does not exceed the income standards in WAC 388-478-0070, or meets the excess income spenddown requirements in WAC 388-519-0110; and

(c) Meets the countable resource standards in WAC 388-478-0070; and

(d) Is sixty-five years of age or older or meets the blind and/or disability criteria of the federal SSI program.

(4) MN coverage is available for an aged, blind, or disabled ineligible spouse of an SSI recipient. See WAC 388-519-0100 for additional information.

(5) An adult may be eligible for the alien emergency medical program as described in WAC 388-438-0110.

(6) An adult is eligible for the state-funded general assistance - expedited Medicaid disability (GA-X) program when they:

(a) Meet the requirements of the cash program in WAC 388-400-0025 and 388-478-0030; or

(b) Meet the SSI-related disability standards but cannot get the SSI cash grant due to immigration status or sponsor deeming issues.

Clients may be eligible for GA cash benefits and CN medical coverage due to different sponsor deeming requirements.

(7) An adult is eligible for the state-funded medical care services (MCS) program when the person is eligible for GAU or ADATSA program coverage as described in WAC 388-478-0030.

(8) An adult is eligible for the state-funded medical indigent (MI) program when the person meets the requirements listed in WAC 388-438-0100.

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.

Chapter 388-505 WAC

FAMILY MEDICAL

NEW SECTION

WAC 388-505-0210 Children's medical eligibility.

(1) A 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 or immigrant status 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; or

(c) Meet the requirements of WAC 388-505-0220 or 388-523-0100.

(3) Children under the age of twenty-one are eligible for CN medical assistance when they:

(a) Meet citizenship or immigrant status, 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 when income is counted according to WAC 388-408-0055 (1)(c); and

(c) Reside in an institution (medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing home facility) as described in WAC 388-513-1320 for more than thirty days; or

(d) Reside in a psychiatric or chemical dependency facility as described in WAC 388-513-1320.

(4) Children under the age of twenty-one are eligible for CN if they:

(a) Are in foster care; or

(b) Receive subsidized adoption.

(5) Children, regardless of age, are eligible for CN medical if they are eligible to receive Supplemental Security Income (SSI) payments based upon their own disability.

(6) Children are eligible for CN medical if they received SSI payments for August 1996, and except for the passage of amendments to federal disability definitions would be eligible for SSI.

(7) 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.

(8) A child is eligible for SSI-related MN when:

(a) They meet the conditions in subsection (7)(a) and (b); and

(b) They meet the blind and/or disability criteria of the federal SSI program.

(9) 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.

(10) There are no resource standards for either the children's CN or the state funded children's health programs.

(11) The requirements in WAC 388-503-0505 (3)(c) and (d) do not apply to persons applying for the state funded children's health program.

(12) Children may also be eligible for:

(a) Temporary assistance for needy families (TANF) or state funded assistance (SFA)-related medical as described in WAC 388-505-0220; and

(b) TANF/SFA-related medical extensions as described in WAC 388-523-0100.

(13) Except for a client in subsection (3)(c) and (d), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

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 temporary assistance for needy families (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; or

(d) Not eligible for or receiving TANF cash assistance, but meets the eligibility criteria for aid to families with dependent children (AFDC) that were in effect on July 16, 1996 except:

(i) Earned income is treated as described in WAC 388-450-0210; and

(ii) Resources are treated as described in WAC 388-470-0005 for applicants and 388-470-0050 for recipients.

(2) A person is eligible for CN medical coverage when they are not eligible for or receiving cash benefits solely for one 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) Eligible for or receiving SFA cash benefits; or

(b) Receiving SFA cash diversion assistance described in chapter 388-222 WAC; or

(c) Is not eligible for or receiving SFA solely due to factors described in subsection (2) of this section; or

(d) Meets the criteria of (1)(d) 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 Medicare beneficiary (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 countable resources which exceed the resource standard in WAC 388-478-0085(6).

(3) Clients eligible for or receiving Medicare Part A and meeting the department's income standards have their Medicare Part A and Part B premiums, coinsurance, and deductibles paid for them under the QMB program. A person is income-eligible for QMB:

(a) When their countable 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 or receiving Medicare Part A benefits and meeting the department's income standards have their Part B Medicare premium paid for them under the SLMB or ESLMB 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 when their countable income is within the range specified in 388-478-0085(2);

(b) For ESLMB when:

(i) Their countable 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 or receiving 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 Part A 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 countable 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 B premiums. A person is income-eligible for QI when:

- (a) They are not otherwise eligible for CN or MN medical coverage; and
- (b) Their countable 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 who meets the following conditions is considered for medically needy (MN) coverage under the special rules in chapter 388-513 WAC.

(a) A person who meets the institutional status requirements of WAC 388-513-1320; or

(b) A person who receives waiver services under chapter 388-515 WAC.

(2) MN coverage is considered under this chapter when a person:

(a) Is not excluded under subsection (1) of this section; and

(b) Is not eligible for categorically needy (CN) medical coverage because they have CN countable income which is above the CN income standard.

(3) MN coverage is available for children, for persons who are pregnant or for persons who are SSI-related. MN coverage is available to an aged, blind, or disabled ineligible spouse of an SSI recipient even though that spouse's countable income is below the CN income standard. Adults with no children must be SSI related in order to be qualified for MN coverage.

(4) A person not eligible for CN medical and who is applying for MN coverage has the right to income deductions in addition to those used to arrive at CN countable income. The following deductions are used to calculate their count-

able income for MN. Those deductions to income are applied to each month of the base period and determine MN countable income:

(a) All health insurance premiums expected to be paid by the client during the base period are deducted from their income; and

(b) For persons who are SSI-related and who are married, see the income provisions for the nonapplying spouse in WAC 388-450-0210; and

(c) For persons who are not SSI-related and who are married, an income deduction is allowed for a nonapplying spouse:

(i) If the nonapplying spouse is living in the same home as the applying person; and

(ii) The nonapplying spouse is receiving community and home based services under chapter 388-515 WAC; then

(iii) The income deduction is equal to the one person MNIL less the nonapplying spouse's actual income.

(5) A person who meets the above conditions is eligible for MN medical coverage if their MN countable income is at or below 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. Certain SSI or SSI-related clients have a special MNIL. That MNIL exception is described in WAC 388-513-1305.

(6) A person whose MN countable 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.

(7) That portion of a person's MN countable income which is over the department's MNIL standard is called "excess income."

(8) 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."

(9) A person who is considered for MN coverage under this chapter may not spenddown excess resources to become eligible for the MN program. Under this chapter a person is ineligible for MN coverage if their resources exceed the program standard in WAC 388-478-0070. A person who is considered for MN coverage under chapter 388-513 WAC is allowed to spenddown excess resources.

(10) No extensions of coverage or automatic redetermination process applies to MN coverage. A client must submit an application for each eligibility period under the MN program.

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 unless one of the conditions in subsection (4) of this section apply.

(2) A person's base period begins on the first day of the month of application, subject to the exceptions in subsection (4) of this section.

(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.

(4) A base period may vary from the terms in subsections (1), (2), or (3) of this section if:

(a) A three month base period would overlap a previous eligibility period; or

(b) A client is not or will not be resource eligible for the required base period; or

(c) The client is not or will not be able to meet the TANF-related or SSI-related requirement for the required base period; or

(d) The client is or will be eligible for categorically needy (CN) coverage for part of the required base period; or

(e) The client was not otherwise eligible for MN coverage for each of the months of the retroactive base period.

(5) The amount of a person's "spenddown" is calculated by the department. The MN countable 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.

(6) If income varies and a person's MN countable income falls below the MNIL for one or more months, the difference is used to offset the excess income in other months of the base period. If this results in a spenddown amount of zero dollars and cents, see WAC 388-519-0100(5).

(7) 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, Medicare and other health insurance deductibles, coinsurance charges, enrollment fees, or copayments;

(b) Second, medical expenses which would not be covered by the MN program;

(c) Third, hospital expenses paid by the person during the base period;

(d) Fourth, hospital expenses, regardless of age, owed by the applying person;

(e) Fifth, other medical expenses, potentially payable by the MN program, which have been paid by the applying person during the base period; and

(f) Sixth, other medical expenses, potentially payable by the MN program which are owed by the applying person.

(8) 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 determined as described in WAC 388-416-0020.

(9) 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.

(10) 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. The entire expense will be counted unless the third party confirms its coverage within:

(i) Forty-five days of the date of the service; or

(ii) Thirty days after the base period ends; and

(c) Meet one of the following conditions:

(i) Be an unpaid liability at the beginning of the base period and be for services for:

(A) The applying person; or

(B) A family member legally or blood-related and living in the same household as the applying person.

(ii) Be for services received and paid for during the base period; or

(iii) Be for services received and paid for during a previous base period if that client payment was made necessary due to delays in the certification for that base period.

(11) An exception to the provisions in subsection (10) of this section exists. Medical expenses the person owes are applied to spenddown even if they were paid by or are subject to payment by a publicly administered program during the base period. 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.

(12) 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) Medical insurance and Medicare copayments or coinsurance (premiums are income deductions under WAC 388-519-0100(4)); and

(d) Medical insurance deductibles including those Medicare deductibles for a first hospitalization in sixty days.

(13) 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.

(14) 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 unless good cause for delay can be documented.

(15) Once a person meets their spenddown and they are issued a medical identification card for MN coverage, newly identified expenses cannot be considered toward that spenddown. Once the application is approved and coverage begins the beginning date of the certification period cannot be

changed due to a clients failure to identify or list medical expenses.

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 and it can join retroactive and prospective months into the same base period.

NEW SECTION

WAC 388-523-0100 Medical extensions. (1) A family who received temporary assistance for needy families (TANF) or state family assistance (SFA) cash or related medical assistance in any three of the last six months is eligible for extended medical benefits when they are ineligible for TANF/SFA-related medical because:

(a) They receive child or spousal support, which exceeds the payment standard described in WAC 388-478-0020, and they are not eligible for any other categorically needy (CN) medical program; or

(b) Their earnings increased resulting in income exceeding the TANF/SFA payment standard described in subsection (1)(a).

(2) A family described in subsection (1)(a) is eligible to receive four months of extended medical benefits beginning the month after termination from cash or TANF/SFA-related medical assistance, provided the family includes a child as defined in WAC 388-404-0005.

(3) A family described in subsection (1)(b) is eligible to receive six months of extended medical benefits when:

(a) They continue to meet the eligibility requirements of a TANF/SFA-related medical program, other than income; and

(b) The family includes a child.

(4) A family described in subsection (3) will not receive extended medical benefits for any family member who has been found ineligible for cash assistance because of fraud in any of the six months prior to the extended medical period.

(5) A family receiving extended medical benefits described in subsection (4) of this section is eligible for up to an additional six calendar months of extended medical benefits as long as:

(a) The family continues to include a child; and

(b) The family's gross earned income, after child care deductions in the preceding three months averages less than,

one hundred eighty-five percent of the Federal Poverty Level (FPL), as described in WAC 388-478-0075; and

(c) A caretaker relative 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 reports to the department family earnings and child care costs relating to employment 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.

(7) Postpartum and family planning extensions are described in WAC 388-462-0015.

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

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 and as modified in this section and in chapter 388-86 WAC;

(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 and in subsection (1)(a) of this section;

(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 and in subsection (1)(a) of this section.

(2) "Medically necessary" is a standard for coverage of services under the CN and MN programs. The term is defined in WAC 388-500-0005.

(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 in order to ensure that medical necessity exists. Examples are:

(A) The prior authorization requirement,

(B) The primary care provider referral requirement,

(C) The limit on eyeglasses to be covered for adults only once in a twenty-four-month period without documentation of special circumstances, etc.

(b) "HK" - the services are provided to children under the healthy kids program as described in WAC 388-86-027. This is consistent with the broader scope of coverage under the healthy kids program.

(c) "No" - This entry is used to describe coverage limitations of state-funded programs and indicates that the services

are not covered. However, 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 388-529-0200.

(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 chapter may be further limited by the notations defined in WAC 388-529-0200 and the provisions in chapters 388-86 and 388-87 WAC. Services may require prior authorization to ensure that medical necessity exists.

(5) Medical service categories not listed in WAC 388-529-0200 may not be covered under typical circumstances. Seeking specific coverage decisions in advance of service delivery is advised. 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 (hearing exams)	Yes	Yes	HK only	No
Blood/blood derivatives/ Blood administration	Yes ^{3/}	Yes ^{3/}	Yes ^{3/}	R ^{2/-3/}
Case management - maternity	L ^{4/}	No	L ^{4/}	No
Chiropractic care	HK only	No	HK only	No
Clinic services	Yes	Yes	Yes	No
Community mental health centers	Yes	L ^{5/}	Yes	No
Dental services	Yes	No	Yes	No
Dentures only	Yes	Yes	Yes	No
Detoxification	Yes	Yes	Yes	Yes ^{2/}
Drugs and pharmaceutical supplies	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 ^{6/}	Yes ^{6/}	Yes ^{6/}	No
Family planning services ^{7/}	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

PERMANENT

Hospice	Yes	No	Yes	No
Indian health clinics	Yes	No	Yes	No
Inpatient hospital care	Yes	Yes	Yes	R ₂ /
Intermediate care facility/services for mentally retarded	Yes	Yes	Yes	N/A
Involuntary commitment	Yes	Yes	Yes	Yes ₂ /
Maternity support services	Yes	No	Yes	No
Medical equipment, durable (DME)	Yes	Yes	Yes	No
Midwife services	Yes	Yes	Yes	R ₂ /
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 ₈ /	No	HK only ₈ /	No
Physical/speech/occupational therapy	Yes	Yes	HK and L ₉ /	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 ₁₀ /	L ₁₀ /	L ₁₀ /	No
Prosthetic devices/mobility aids	Yes	Yes	Yes	R ₂ /
Psychiatric services	Yes	No	Yes	No
Psychological evaluation	L ₁₁ /	L ₁₁ /	L ₁₁ /	No
Rural health services and Federally qualified health Centers (FQHC)	Yes	Yes	Yes	No
School medical services ₁₂ /	Yes	No	Yes	No
Substance abuse/outpatient	Yes	No	Yes	No
Surgical appliances	Yes	Yes	Yes	R ₂ /
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 services are limited as described in WAC 388-87-045.

(4) Notation 4/ 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.

(5) Notation 5/ 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.

(6) Notation 6/ indicates that eyeglasses are limited under WAC 388-86-030. Special circumstances and specific approval apply to more frequent services than those specified in WAC 388-86-030.

(7) Notation 7/ 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.

(8) Notation 8/ indicates that services which are not medical services may be covered under certain qualifying conditions. These benefits are covered under the direction of the aging and adult services administration for CN eligible adults

PERMANENT

under home and community based programs; the division of developmental disabilities; or the children's services administration under WAC 388-86-087.

(9) Notation 9/ 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.

(10) Notation 10/ indicates that services are authorized according to the conditions listed in WAC 388-86-071.

(11) Notation 11/ indicates that the department limits services as described in WAC 388-86-067 and 388-86-095.

(12) Notation 12/ 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.

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) The standard for coverage for healthy kids is that the services, treatment or other measures are:

- (i) Medically necessary;
- (ii) Safe and effective; and
- (iii) Not experimental.

(b) Healthy kids services are exempt from specific coverage or service limitations which are imposed on the rest of the CN and MN program. Examples of service limits which do not apply to the healthy kids program are the specific numerical limits in WAC 388-86-073(4), 388-86-090(2), 388-86-098(3), etc.

(c) Services not otherwise covered under the Medicaid program are available to children under healthy kids. The services, treatments and other measures which are available include but are not limited to:

- (i) Nutritional counseling;
- (ii) Chiropractic care;
- (iii) Orthodontics; and

(iv) Occupational therapy (not otherwise covered under the MN program).

(d) Prior authorization and referral requirements are imposed on medical service providers under healthy kids. Such requirements are designed as tools for determining that a service, treatment or other measure meets the standards in subsection (2)(a) of this section.

(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 unelothed 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 eyeglasses;~~

(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 pro-

(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 pro-

(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.

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grams. 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:

(a) The client has:

(i) Made repeated and documented efforts to seek medically unnecessary health services; and

(ii) Been counseled at least once by a health care provider or managed care plan representative about the appropriate use of health care services; or

(b) 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

(d) Had prescriptions filled by four different prescribers;

or

(e) Used two emergency room (ER) visits.

(3) If subsections (2)(a) or (b) of this section apply, then the client's use of medical services is reviewed by the department. The review considers the client's diagnoses, history of

services provided, or other medical information supplied by the health care provider or managed care plan. The review is done by a nurse consultant, physician, or other qualified medical staff according to established medical review guidelines.

(4) If the medical review finds that the client uses inappropriate or medically unnecessary services the client receives written notice which:

(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 (see subsection (6) of this section); and

(c) Requires the client to respond within twenty days by:

(i) Selecting a primary care provider and pharmacy; or

(ii) Submitting additional medical information, which justifies the client's use of medical services; or

(iii) Writing or calling the PRR representative, who is identified in the PRR notice, requesting assistance; or

(iv) Requesting a fair hearing (see subsection (6) of this section).

(5) A client who does not respond to the notice within twenty days is assigned to the PRR program. The department assigns the client to a PCP and pharmacy. The 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.

(6) A client has ninety days to request a fair hearing. A client who requests a fair hearing within twenty days from the date they receive notice under subsection (4) of this section will not be assigned to the PRR program until a fair hearing decision is made. A client who requests a fair hearing after twenty days may have been assigned a PCP and pharmacist. An assigned client will remain in PRR until a fair hearing decision is made.

(7) 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 must be:

(i) A physician who meets the criteria under WAC 388-87-007; 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.

(b) A single pharmacy fills all prescriptions for the client. For fee for service clients the pharmacy must be contracted with MAA.

(c) For clients enrolled in a managed care plan, the pharmacy and PCP must be contracted with the client's managed care plan.

(8) The PRR client's medical assistance identification card (MAID) will be marked in the "restricted" column.

(9) A client in PRR cannot change their PCP or pharmacy for twelve months unless the:

(a) Client changes to a residence outside the provider's geographic area; or

(b) PCP or pharmacy moves out of the client's geographic area; or

(c) PCP or pharmacy refuses to continue as the client's provider; or

(d) Client was assigned providers. The client may change the assigned providers once within sixty days of the initial assignment.

(10) A PRR client enrolled in a managed care plan must select a PCP and pharmacy from those identified as available within their plan. In addition to the reasons given in subsection (9) of this section, the 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

(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 the managed care program's open enrollment period, which occurs during the twenty-four-month PRR enrollment period as defined in subsection (1) of this section.

(11) After twenty-four months, a PRR client's use of services is reviewed. A client is removed from PRR if:

(a) The billing records show the care received was reasonable and appropriate; or

(b) The PCP reports the services requested and received were reasonable and appropriate.

(12) If the client is not removed from PRR under subsection (11) of this section, the client continues to be in PRR for an additional twelve months. After that twelve-period, the client is reviewed again according to subsection (11)(a) and (b) of this section.

(13) Under the PRR program, MAA or the client's managed care plan will pay for only:

(a) Those services authorized by the PCP, the PCP-referred specialist, or the pharmacist; or

(b) Emergencies services; or

(c) Family planning services; or

(d) Women's health care services. A client enrolled with a managed care plan must self-refer to providers within the plan's network.

The client may be responsible for payment of services not covered by the PRR program.

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

AMENDATORY SECTION (Amending WSR 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 ((at 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. Other obligations for cooperation are located in chapters 388-14 and 388-422 WAC. The following clients are exempt from termination of eligibility for medical coverage as a result of 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 required to enroll 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 medical 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; and~~

~~(d) Is not removed from HO enrollment by the department per WAC 388-538-130.~~

~~(2) American Indian((, as defined under))s or Alaskan Natives (AI/AN) 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 primary care case manager (PCCM), which include Indian health service direct care clinics, clinics operated by tribes, and urban Indian health centers; or~~

~~(b) Voluntarily selecting an HO contracted managed care plan; or~~

~~(c) Requesting an exemption from enrollment in managed care based solely on their status as an AI/AN.~~

~~(3) An AI/AN who does not make a choice under subsection (2) of this section will be assigned to an HO PCCM if the client lives in a PCCM area. HO PCCMs are described in subsection (2)(a) of this section. A client who is assigned under this subsection is entitled to request and obtain removal from the PCCM assignment at any time.~~

~~(4) A client who is a Medicare beneficiary is not currently eligible to enroll with an HO managed care plan.~~

~~(5) Except for clients who are AI/AN, if the client does not choose an HO managed care plan, the department assigns the client to a HO plan in the client's area.~~

~~(6) The client will be given an opportunity to select a primary care provider from their HO managed care plan's available providers.~~

~~(7) If the client does not choose a primary care provider (PCP), the plan assigns the client a PCP.~~

~~(8) 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 a reason showing good cause. If the plan denies the change, the client may:~~

~~(a) Appeal to the plan; or~~

~~(b) Ask the department for a fair hearing; or~~

~~(c) Appeal to the plan and request a fair hearing from the department.~~

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;~~

~~(c) 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) managed care plan. "Exemption" means the client is excused from mandatory enrollment when they have not yet enrolled with or been assigned to an HO plan. If a client asks for an exemption, they are not enrolled until the department approves or denies the request and any related fair hearing is held and decided.~~

~~(2) A client is exempted from mandatory enrollment in an HO managed care plan if:~~

~~(a) Based on the department's evaluation of objective medical evidence, all of the following are met:~~

~~(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 available to the client in an HO managed care plan (or after enrollment it is discovered that the provider is not in the client's current plan) and the surgery is scheduled within the first thirty days of enrollment; or~~

~~(c) The client is an AI/AN 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 as offered to the client. 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 can communicate with a provider not in an HO managed care plan who speaks 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 is shown when the client has:

(A) To travel over twenty-five miles one-way to the nearest managed care PCP who is accepting clients and the current PCP is closer and not in an available HO managed care plan; or

(B) A travel time of over forty-five minutes one-way to the nearest HO managed care PCP who is accepting clients, when the travel time to the current PCP, who is not in an available HO 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 wishes to continue her established course of prenatal care with an obstetrical provider who is not available to her through an HO plan (or, after enrollment, when the established provider becomes unavailable through HO during the course of treatment); or

(v) Presents other 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 remains exempt as provided in subsection (1) of this section and receives timely notice by telephone or in writing when their request is denied. The department's reasons for the denial are given before the client is required to enroll 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 on fee-for-service basis.

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 adversely affect the client's health status.

(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 (c)-(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 in writing, to the department's satisfaction 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 client's behavior ((is such that it has become medically infeasible to)) continues to prevent the provider from safely or prudently ((provide)) providing medical care to the client; 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 plan's notice to the client must include the client's right to use the plan's appeal process to review the plan's request and the client's right to use the department fair hearing process.

The requirement that the plan notify the client is waived if the client's conduct presents the threat of imminent harm to others.

(4) Within thirty days of receiving the plan request to remove a client from HO enrollment, a decision is made by the department. Before a decision is made an attempt is made by the department to contact the client and learn the client's perspective. If the plan's request to remove the client from HO enrollment is approved, the client will be given advance and adequate notice including hearing rights information (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 the cost of meeting the client's needs.

WSR 98-17-015

PERMANENT RULES

OLYMPIC AIR POLLUTION CONTROL AUTHORITY

[Filed August 10, 1998, 8:50 a.m.]

Date of Adoption: August 9, 1998.

Purpose: Adjust Notice of Construction fees to cover program costs.

Citation of Existing Rules Affected by this Order:
Amending OAPCA's Regulation 1, Article 7, Notice of Construction.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-11-079 on May 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 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.

August 9, 1998

Charles Peace

Executive Director

AMENDATORY SECTION

SECTION 7.01 NOTICE OF CONSTRUCTION

(a) No person shall construct, install, establish, or modify an air contaminant source, except those sources listed in Article 5, section 5.01(b) of the Regulation without first filing with the Authority a "Notice of Construction and Appli-

ation for Approval", on forms prepared and provided by the Authority, and without having received approval by the Authority. For the purposes of this Article, addition to, enlargement, or replacement of an air contaminant source, or any alteration thereto, shall be construed as construction, installation or establishment of a new air contaminant source.

New air contaminant sources shall include, but not be limited to, the following:

- (1) Agricultural drying and dehydrating operations.
- (2) Asphalt plants.
- (3) Cattle feedlots with facilities for 1,000 or more cattle.
- (4) Chemical plants.
- (5) Ferrous foundries.
- (6) Fertilizer plants.
- (7) Grain handling, seed processing, pea and lentil processing facilities.
- (8) Mineralogical processing plants.
- (9) Nonferrous foundries.
- (10) Oil refineries.
- (11) Other metallurgical processing plants.
- (12) Power boilers using coal, hog fuel or oil.
- (13) Rendering plants.
- (14) Scrap metal operations.
- (15) Veneer dryers.
- (16) Wood waste incinerators including wigwam burners.
- (17) Other incinerators designed for a capacity of 100 pounds per hour or more.
- (18) Stationary internal combustion engines rated at 500 horsepower or more.
- (19) Any category of stationary sources to which a federal standard of performance applies.
- (20) Any source which emits a contaminant subject to a national emission standard for hazardous air pollutants.
- (21) Sawmills, including processing for lumber, plywood, shake, shingle, pulp wood insulating board, or any combination thereof.

Provided, however;

For sources, such as asphalt batch plants, which locate temporarily at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a Notice of Construction, providing that the owner or operator notifies the ((~~Olympic Air Pollution Control~~)) Authority of intent to operate at the new location at least 30 days prior to starting the operation, and supplies sufficient information to enable the ((~~Olympic Air Pollution Control~~)) Authority to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards. The permission to operate shall be for a limited

period of time and the ((~~Olympic Air Pollution Control~~)) Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards.

(b) A Notice of Construction and Application for Approval shall not be required to begin an alteration of equipment or control apparatus if delaying the alteration may endanger life or the supplying of essential services. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced, and a Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the day the alteration is commenced.

(c) RESERVED SUB-SECTION ((~~A separate Notice and Application shall be submitted for each unit of equipment or control apparatus, unless identical units of equipment or control apparatus are to be installed, constructed or established in an identical manner on the same premises. PROVIDED, that the owner has the option to give notice and apply for approval of a process with a detailed inventory of contaminant sources and emissions related to said process.~~))

(d) Each Notice of Construction and Application for Approval shall be signed by the applicant or owner, who may be required to submit evidence of their authority.

((~~e) Notice shall be given to the public for public comment concerning the "Notice of Construction and Application for Approval" filed by the applicant. Such notice shall be given by publication in a newspaper of general circulation in the county in which the proposed contaminant source is to be constructed, installed, or established. The public shall have thirty (30) days from the date of publication within which to submit comments in writing to the Authority concerning the application. The scope of such comment shall be limited to the emission control system and impact on the ambient air standard.~~))

NEW SECTION

SECTION 7.04 PUBLIC NOTICE, COMMENTS AND HEARINGS

(a) Applicability of public notice requirements. The Authority shall provide public notice prior to approval or denial of any Notice of Construction and Application for Approval if:

- (1) The proposed installation or modification would cause a significant increase the potential to emit of any air contaminant listed in Table 7.01; or

TABLE 7.1: SIGNIFICANT EMISSIONS INCREASE

Air Contaminant	Potential Tons/Year
Carbon Monoxide (CO)	100.0
Volatile Organic Compounds (VOC)	40.0
Sulfur dioxide	40.0
Nitrogen Oxides (NO _x)	40.0
Particulate Matter (PM)	25.0
Fine Particulate Matter (PM ₁₀)	15.0

PERMANENT

Lead	0.6
Fluorides	3.0
Sulfuric Acid Mist	7.0
Hydrogen sulfide (H ₂ S)	10.0
Total Reduced Sulfur (including H ₂ S)	10.0
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	40

(2) The applicant requests a limit on the potential to emit; or

(3) The applicant requests to bank emission reduction credits; or

(4) The proposed installation or modification involves refuse burning equipment; or,

(5) The Control Officer determines that there may be substantial public interest in the proposal.

(b) Public notice requirements. Public notice shall be made only after all information required by the Authority has been submitted and after a Preliminary Determination has been made. The cost of providing public notice shall be borne by the applicant according to provisions in section 7.13. Public notice shall include the following:

(1) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant, and any written Preliminary Determination by the Authority.

(2) Publication of a legal notice in a newspaper of general circulation in the area of the proposed project which provides:

(i) A brief description of the project;

(ii) Location of the project and location of documents made available for public inspection;

(iii) The deadline for submitting written comments;

(iv) A statement that any person, interested governmental agency, group, or the applicant may request a public hearing; and,

(v) A statement that a public hearing may be held if the Authority determines within a 30-day period that significant public interest exists.

(3) Notice to the U.S. Environmental Protection Agency Regional Administrator.

(c) Consideration of public comments. Unless a public hearing is held, the public comment period shall be the thirty-day period following the date the public notice is first published. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify. No final decision on any Notice of Construction and Application for Approval for which a public notice is required pursuant to Section 7.04(a) shall be made until the public comment period has ended and any comments received have been considered.

(d) Provisions for public hearings. The applicant, any interested governmental entity, any group, or any person may request a public hearing within the comment period specified in the public notice. Any such request shall indicate, in writ-

ing, the interest of the entity filing it and why a hearing is warranted. The Authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the Authority deems reasonable. The Authority shall provide at least 30 days prior notice of any hearing.

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

AMENDATORY SECTION

SECTION 7.05 ISSUANCE OF APPROVAL ((OR)) ORDER

(a) As soon as practicable after receipt of Notice of Construction and Application for Approval, and, if public notice is required pursuant to Section 7.04, after consideration of any comments and testimony received, the Board or Control Officer shall issue an Approval Order for the proposed project ((of Construction)) or an Order that the construction, installation or establishment of a new air contaminant source will not be in accord with the applicable emissions standards as are in effect at the time of filing the Notice of Construction and Application for Approval. Failure to comply with any term or condition of an Approval Order constitutes a violation of this section and is subject to penalties pursuant to RCW 70.94.430 and RCW 70.94.431.

(b) No approval will be issued unless the information required by Section 7.01 and 7.03 evidences to the Control Officer or the Board that:

(1) The equipment or control apparatus is designed and will be installed to operate without causing violation of any law or regulation of the Authority.

(2) Upon request of the Control Officer or Board, equipment or control apparatus having a stack three (3) feet or more in diameter is provided with:

(i) Sampling ports of a size, number and location as the Authority may require; and

(ii) Safe access to each port; and

(iii) Such other sampling and testing facilities as the Control Officer or Board may require.

(3) The equipment incorporates all known available and reasonable methods of emission control and will meet the requirements of all applicable Standards of Performance promulgated by the United States Environmental Protection Agency.

PERMANENT

(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source or sources will not comply with all laws or regulations of the Authority, the Board or Control Officer shall issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources; and

(1) The Order shall be in writing;

(2) The Order shall set forth the objections in detail with reference to the specific law or section or sections of the Regulation that will not be met by the proposed construction, installation or establishment;

(3) The Order shall be signed by the Control Officer or an authorized representative.

(d) Any Order issued pursuant to this section shall become final unless, no later than twenty (20) days after the date the Order is served pursuant to Section 3.21 of the Regulation, the owner or applicant petitions for a reconsideration of the Order, stating reasons for the reconsideration.

(1) The Board or Control Officer shall consider the petition and shall within thirty (30) days give written notice of approval or disapproval of the petition, setting forth the reasons for disapproval.

(2) If the petition of the owner or applicant is disapproved, the owner or applicant may appeal to the Pollution Control Hearings Board of the State of Washington, pursuant to Section 3.17 of this Regulation.

(e) Any Order issued or the failure to issue such an order or approval, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.

AMENDATORY SECTION

SECTION 7.13 NOTICE OF CONSTRUCTION FILING FEES

(a) The fee for processing a Notice of Construction and Application for Approval (NOC) shall include a Filing Fee according to Section 7.13(b), Plan Examination and Inspection Fees according to Section 7.13(c), and any applicable Additional NOC Processing Fees according to Section 7.13(d).

~~((a))~~ (b) Filing Fees. The Authority shall not commence processing of a ~~(Notice of Construction and Application for Approval)~~ NOC until it has received a filing fee of ~~(\$50.00,)~~\$100.00. ~~(Plan Examination and Inspection fees as shown in Table 7.1. One Filing fee, and the Plan Examination and Inspection fees, shall be paid for identical units, except when a separate examination, and/or inspection is required for each identical unit.)~~

(c) Plan Examination and Inspection Fees. A Plan Examination and Inspection Fee shall be paid for each piece of equipment or process proposed which emits air pollutants and requires filing a NOC, and for certain fee eligible reviews and determinations as identified in Table 7.2. The applicant may choose to determine applicable Plan Examination and Inspection Fees based on this section and include payment along with the NOC application, or may elect to have the Authority determine applicable Plan Examination and

Inspection Fees during the NOC completeness review, in which case, the applicant would be billed. In either case, the NOC application is incomplete until the Authority has received payment of applicable Plan Examination and Inspection Fees. Plan Examination and Inspection Fees shall be determined as follows:

(1) One Plan Examination and Inspection Fee shall be paid for each regulatory determination or review item identified in Table 7.2 which applies to the NOC;

(2) One Plan Examination and Inspection Fee shall be paid for each piece of equipment or process which emits air pollutants and requires filing a NOC except for equipment or processes which can be considered as identical equipment or processes;

(3) Equipment or processes may be considered identical provided that they have the same physical specifications and only one examination and/or inspection is required by the Authority;

(4) Identical equipment or processes may be accounted for collectively as a single piece of equipment or process subject to a single Plan Examination and Inspection Fee;

(5) The Plan Examination and Inspection Fee for a piece of equipment shall be based on the fee amount in Table 7.2 which most closely matches the equipment or process type; and,

(6) Any fee based on actual cost to the Authority shall be determined according to 7.13(e).

(d) Additional Fees. An Additional NOC Processing Fee shall be paid by the applicant for any work identified in Table 7.3 which has been completed by the Authority for purposes of finalizing review and approval of a NOC. The Authority shall not issue the Final Determination or Order of Approval for any NOC until applicable additional NOC Processing Fees have been paid. The Authority shall determine which additional NOC Processing Fees apply and shall bill an applicant after issuing a Preliminary Determination, but prior to issuing a Final Determination or Approval Order. Additional NOC Processing Fees shall be determined based on the fee schedule contained in Table 7.3. Any fee based on actual cost to the Authority shall be determined according to 7.13(e).

(e) Fee amounts in Table 7.2 and Table 7.3 which are based on the Authority's actual cost to complete a review or task shall be determined using the actual direct hours expended completing the specific review or task and the corresponding direct hourly salary rate of each Authority staff person directly involved. The following provisions shall apply:

(1) Actual hours used in determining the amount of a fee shall be recorded on a daily basis by each Authority staff person directly involved in completing the specific task;

(2) Time accrued for purposes of determining the amount of a fee for this section shall be accounted for to the nearest 15 minutes;

(3) Current employee salary rates shall be used when calculating actual cost-based fees; and,

(4) The bill issued for any fee based on the Authority's actual cost shall indicate the total hours expended and the hourly cost rates which were used to determine the fee.

NEW TABLE

TABLE 7.2: PLAN EXAMINATION AND INSPECTION FEES

DESCRIPTION	FEE
Fuel Burning Equipment (new installation) (fee based on Million Btu/hr heat input at design capacity):	
less than 10	\$350
10 or more but less than 20	\$500
20 or more but less than 50	\$700
50 or more but less than 100	\$1,500
100 or more	\$2,500
fuel change or new fuel	1/2 x new installation fee
Emissions from control equipment or from uncontrolled process equipment (fee based on Actual cubic feet per minute at design capacity):	
less than 10,000	\$300
10,000 or more but less than 20,000	\$400
20,000 or more but less than 50,000	\$550
50,000 or more but less than 100,000	\$850
100,000 or more but less than 250,000	\$1,700
250,000 or more	\$2,500
Incineration (fee based on rate in pounds per hour at design capacity):	
less than 100	\$300
100 or more but less than 500	\$550
500 or more but less than 1000	\$1,650
Refuse Combustion (fee based on combustion rate in tons per day at design capacity):	
less than 12	\$2,500
12 or more	Actual Cost
Storage tanks, reservoirs, or containers other than retail gasoline or diesel fuel dispensing facilities (fee based on gallons total capacity):	
6,000 or more but less than 40,000	\$350
40,000 or more but less than 100,000	\$800
100,000 or more but less than 500,000	\$1,250
500,000 or more	\$1,400
Spray Painting Operation (per booth)	\$300
Dry Cleaner (per machine)	\$200
New Gasoline Station	\$300
Gasoline Station Upgrade or Modification	\$200
Coffee Roaster	\$1,000
Asphalt Plant (initial)	\$1,000
Soil Thermal Desorption Unit (initial)	\$2,500
Odor Source	\$500
Soil and Groundwater remediation	\$500
Air Toxics Screening Review (Chapter 173-460 WAC) (provided by source)	\$200
NOC Application Assistance (emission calculations, air toxics screening, etc.)	\$300
SEPA Threshold Determination	\$300
Approval Order Modification	\$100

PERMANENT

Other (whichever is greater)	\$200 or Actual Cost
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TABLE 7.3: FEE ELIGIBLE ITEMS

FEE ELIGIBLE ITEM	DESCRIPTION	FEE AMOUNT
Additional NOC Processing Fees for Major Sources	Additional NOC processing fees shall equal the actual cost of processing the NOC for a Major Source less the NOC fees already paid.	Actual Cost
Environmental Impact Statements	Preparing an Environmental Impact Statement (EIS) in order to comply with the State Environmental Policy Act.	Actual Cost
NOC Assistance	Assistance in completing a NOC application including, but not limited to, assistance in calculating emissions, filling out standard forms, determining applicable requirements, completing a BACT analysis, performing an air toxics screening analysis pursuant to Chapter 173-460 WAC, and selecting monitoring equipment.	Actual Cost
Emission Reduction Credits	Review and approval of emission reduction credits pursuant to Chapter 173-400-131 WAC.	Actual Cost
Voluntary Emissions Limits (Synthetic Minors)	Review and approval of voluntary limits on emissions requests pursuant to Chapter 173-400-091 WAC.	Actual Cost
Alternative Opacity Limits	Review and approval of alternative opacity limit requests pursuant to RCW 70.94.331 (2)(c).	Actual Cost
Public Noticing	Work Associated with issuing public notice pursuant to Chapter 173-400-171 WAC and Section 7.01(e) of OAPCA Regulation 1. Associated work includes issuing a press release if warranted, copying and posting the written Preliminary Determination for public viewing, and reviewing and responding to comments.	\$350
Publishing	Cost of publishing any legal public notice required pursuant to Chapter 173-400-171 WAC.	Actual cost of publishing.
Public Hearings	Work associated with conducting a public hearing including, but not limited to, preparation of summary materials, copying, issuing hearing notice, conducting the hearing, and responding to comments.	\$400

((b))

TABLE 7.1

PLAN EXAMINATION AND INSPECTION FEE

(1) Fuel Burning Equipment:

Million BTU per Hour Heat Input (Capacity)	Installation Fee	Fuel Change Fee
less than 5	\$ 50	\$ 25
5 or more but less than 10	\$ 100	\$ 50
10 or more but less than 20	\$ 250	\$ 100
20 or more but less than 50	\$ 500	\$ 200
50 or more but less than 100	\$ 1,000	\$ 300
100 or more but less than 250	\$ 2,500	\$ 400
250 or more but less than 500	\$ 4,000	\$ 600

(2) Actual Cubic Feet per Minute (ACFM) from control equipment or from uncontrolled process equipment:

ACFM	Fee
less than 5,000	\$ 100
5,000 or more but less than 20,000	\$ 200
20,000 or more but less than 50,000	\$ 300
50,000 or more but less than 100,000	\$ 750
100,000 or more but less than 250,000	\$ 2,500
250,000 or more	\$ 4,000

(3) Incinerators:

Combustion Rate in Pounds Per Hour (capacity)	Fee
less than 100	\$ 300
100 or more but less than 500	\$ 500
500 or more but less than 1000	\$ 750
Solid Waste and/or Solid Waste Derived Fuel in Tons per hour (capacity):	Fee
0.5 or more but less than 2	\$2,000

WSR 98-17-016
PERMANENT RULES
OLYMPIC AIR POLLUTION
CONTROL AUTHORITY
 [Filed August 10, 1998, 8:52 a.m.]

2 or more but less than 4	\$3,000
4 or more	\$4,000

~~(4) Storage Tanks: Organic liquids, except gasoline, with a tank capacity greater than 6,000 gallons and a vapor pressure greater or equal to 1.5 lbs per square inch under actual storage conditions and/or gasoline storage tanks with a capacity greater than 40,000 gallons.~~

Tank Capacity	Fee
6,000 or more but less than 40,000	\$ 65
40,000 or more but less than 100,000	\$ 200
100,000 or more but less than 500,000	\$ 750
500,000 or more	\$1,200

~~(5) Odor Source:~~

Fee
\$ 200

~~(6) Other, Not Classified in Subsection (1), (2), (3), (4), or (5) above:~~

Fee
\$ 100

~~(c) State Environmental Policy Act (SEPA) Fee~~

~~(1) Threshold Determination—For every environmental checklist the Authority reviews when it is Lead Agency, the applicant shall first pay the Authority a fee of \$50.00 prior to undertaking the Threshold Determination by the responsible official of the Authority.~~

~~(2) If the Authority decides it must prepare a statement in order to comply with the State Environmental Policy Act before taking any action on a Notice of Construction, the cost of preparing, publishing, and distributing such a statement at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer and such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.~~

~~(d) Public Notice Fee~~

~~(1) The cost of publishing a public notice (as defined in WAC 403-110) shall be borne by the applicant or other initiator of the action.)~~

AMENDATORY SECTION

SECTION 7.15 WORK DONE WITHOUT APPROVAL

(a) Where work, for which a Notice of Construction is required, is commenced or performed prior to making application and receiving approval, the Control Officer or an authorized agent may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 7.13 shall be assessed in an amount equal to 3 times the ((plan examination and inspection)) fees required of Section 7.13. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

Date of Adoption: August 9, 1998.
 Purpose: Adjust air operating permit fees to cover program costs.

Citation of Existing Rules Affected by this Order: Amending OAPCA's Regulation 1, Article 6, Air Operating Permits.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 98-11-080 on May 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 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.
 August 9, 1998
 Charles Peace
 Executive Director

AMENDATORY SECTION

SECTION 6.00 DEFINITIONS

For purposes of Article 6, the following definitions shall apply.

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) and (b) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is representative of normal source operation. Actual emissions shall be calculated using the emission((s)) unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

~~((AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."))~~

~~AIR CONTAMINANT-GENERATING EQUIPMENT means, for purposes of calculating Article 6 fees, any equipment or pro-~~

PERMANENT

~~ness capable of generating or emitting air contaminants except for the equipment and processes listed in (a) through (g) below:~~

- ~~(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.~~
- ~~(b) Storage tanks and other equipment located at dry cleaning facilities.~~
- ~~(c) Combustion units with less than 10 million BTUs per hour heat input.~~
- ~~(d) Process equipment with less than 20,000 ACFM flowrate.~~
- ~~(e) Paint spray booths and related paint spraying equipment.~~
- ~~(f) Mobile sources.~~
- ~~(g) Any other equipment or process determined appropriate for this exemption by the Authority.)~~

EMISSIONS means a release of air contaminants into the ambient air.

EMISSIONS UNIT means any part of a source which emits or has the potential to emit any pollutant subject to regulation.

FACILITY means the same as "source".

POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

STACK means, for purposes of calculating Article 6 fees, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

- (a) Emission points associated with gasoline or fuel dispensing stations.
- (b) Emission points associated with dry cleaning facilities.
- (c) Pipes or ducts equal to or less than twelve (12) inches in diameter.
- (d) Any other emission point determined appropriate for this exemption by the Authority.

TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or group of substances within either of these classes is listed in WAC 173-460-150 and 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

AMENDATORY SECTION

SECTION 6.03 OPERATING PERMIT FEES ((GENERAL))

~~(a) ((Air Operating Permit Account. The Authority shall establish and maintain a dedicated account for the Air Operating Permit Program called the Air Operating Permit Account. The account shall be funded exclusively by fee revenue from sources requiring an air operating permit pursuant to RCW 70.94.161. All fee revenue collected under Article 6 shall be deposited into the Air Operating Permit Program Account. All direct and indirect costs and expenditures attributable to the Air Operating Permit Program shall be met exclusively with revenue from the Air Operating Permit Account.))~~ Fee Applicability. Any source in the Authority's jurisdiction subject to the requirement to obtain an Operating Permit pursuant to 40 CFR 70 or RCW 70.94.161 (major sources), except those sources for which air emissions are regulated by the Washington State Department of Ecology Industrial Section, shall pay fees to the Authority according to the provisions in this section.

~~(b) ((Annual Workload Analysis. On an annual basis, starting with calendar year 1994, the Authority shall conduct a workload analysis to determine the adequacy and fairness of the Article 6 fee schedules. The workload analysis shall be based on the Authority's historical record of time and resource expenditures attributable to the air operating permit program. The workload analysis shall be made available upon request to the Authority. Any proposed revisions to the annual fee schedule shall be presented to the Board for adoption after public noticing pursuant to Regulation 1 public noticing requirements and opportunity for a public hearing.))~~ Operating Permit Program Account. The Authority shall maintain a dedicated account for the Air Operating Permit program. The account shall be funded exclusively by fee revenue collected from major sources. All fee revenue collected under this section and all fee revenue from major sources collected under Section 7.13 shall be deposited in the Air Operating Permit account.

(c) Operating Permit Program Funding. The sum of fees assessed by the Authority under this section and fee revenue from major sources assessed under Section 7.13 shall be sufficient to cover all direct and indirect costs to develop and administer the Authority's Operating Permit Program including Ecology's cost for development and oversight of the Authority's Operating Permit Program, as provided in RCW 70.94.162.

(d) Ecology Development and Oversight Fees. The Authority shall assess an annual Ecology Development and Oversight Fee to all major sources. The total amount of Ecology Development and Oversight Fees assessed annually by the Authority shall equal Ecology's annual cost of development and oversight of the Authority's Operating Permit Program, as provided in RCW 70.94.162.

(e) Notice of Construction Fees. The Authority shall assess Notice of Construction Fees to all major sources according to Section 7.13 of Regulation 1.

(f) Annual Fees, Existing Major Sources. The Authority shall assess an Annual Fee to all existing major sources.

The total amount of Annual Fees assessed by the Authority to existing major sources shall equal the projected net annual cost to administer the Authority's Operating Permit Program during the current fiscal year.

(g) Net Annual Cost Projections. Projected net annual cost to administer the Authority's Operating Permit Program shall be determined annually and shall equal the projected annual cost to administer the program minus any balance of funds in the Operating Permit Program account at the end of the previous fiscal year. Projected annual costs shall include all direct and indirect costs to administer the Authority's Operating Permit Program and shall be based on a workload analysis conducted by staff. Net annual cost projections including the workload analysis shall be included in the Authority's annual budget and approved by resolution of the Authority's Board of Directors in a public hearing.

(h) Workload Analysis. Only fee eligible activities as specified below, as provided in RCW 70.94.162, shall be considered in the workload analysis conducted annually by staff. Fee eligible activities shall include:

(1) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;

(2) Source inspections, testing, and other data gathering activities necessary for development of a permit, permit revision or renewal;

(3) Acting on an application for a permit, permit revision or renewal, including the cost of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet, preparing a proposed permit, and preparing a final permit;

(4) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(5) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(6) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(7) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;

(8) Administrative enforcement activities and penalty assessment, excluding the cost of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(9) The share attributable to permitted sources to the development and maintenance of emissions inventories;

(10) The share attributable to permitted sources of the ambient air quality monitoring and associated recording and reporting activities;

(11) Training for permit administration and enforcement;

(12) Fee determination, assessment and collection, including the cost of necessary administrative dispute resolution and enforcement;

(13) Required fiscal audits, periodic performance audits and reporting activities;

(14) Tracking of time, revenues and expenditures and accounting activities;

(15) Administering the permit program including costs of clerical support, supervision and management;

(16) Provision of assistance to small business under jurisdiction of the Authority as required under Section 507 of the Federal Clean Air Act; and

(17) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

(i) Allocation of Fees. The Annual Fee for a source shall be calculated using the following three part fee allocation equation:

NEW TABLE

TABLE 6.1: OPERATING PERMIT FEE FORMULAS

Annual Fee = Facility Fee + Equipment Fee + Emissions Fee
<p>WHERE:</p> <p>Facility Fee = (Annual Net Cost + 3) + n</p> <p>Equipment Fee = [(Annual Net Cost + 3) + U_{total}] x U_{source}</p> <p>Emissions Fee = [(Annual Net Cost + 3) + E_{total}] x E_{source}</p> <p>Annual Net Cost = Projected net annual cost as approved by the Authority's Board of Directors.</p> <p>n = Total number of Operating Permit Program sources in the Authority's jurisdiction.</p> <p>U_{total} = Total number of emission units located at Operating Permit Program sources in the Authority's jurisdiction.</p> <p>U_{source} = Number of emission units at the specific source.</p> <p>E_{total} = Total actual annual emissions of the air pollutants listed in Table 6.2 from Operating Permit Program sources based on the Authority's most recent emissions inventory.</p> <p>E_{source} = Total actual annual emissions of the air pollutants listed in Table 6.2, Section 6.02 from the specific source for the most recent calendar year.</p>

(j) Initial Fees. New major sources shall be assessed an Initial Fee after commencement of operation to cover the Authority's cost of administering the program for the new

source for the remainder of the current fiscal year. The Initial Fee for a new source shall equal the Annual Fee based on section 6.03(i), which would otherwise be assessed if the

PERMANENT

source commenced operation on or prior to the beginning of the current fiscal year, prorated by multiplying by the number of months remaining in the current fiscal year divided by 12.

(k) Fee Assessment and Payment Schedule. The Authority shall assess Annual Fees after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30. Upon receipt, Annual Fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, option shall be given to pay Annual Fees in quarterly installments. Owners or operators may choose to pay their Annual Fees in quarterly installments by indicating so on the fee invoice received and remitting payment of the first quarterly installment back to the Authority. These installments shall be due October 1, January 1, and April 1, following initial payment. Quarterly installments shall be equal to twenty-five percent (25%) of the total fee.

(l) Late Payment. Any source which does not pay the Annual Fee or installment within thirty (30) days of the due date shall be assessed a late penalty equal to twenty-five percent (25%) of the fee amount due. Any penalty shall be in addition to the fee amount due.

(m) Appeal of Annual Fees. Annual Fees may be appealed according to the procedure specified in section 3.17 of Regulation 1. The basis for such appeals shall be limited to arithmetic or clerical errors.

(n) Exemption for Article 5 Fees. Sources assessed fees shall not be subject to annual Registration Program Fees under Article 5 of Regulation 1.

(o) Transfer of Ownership. Transfer of ownership of a source shall not affect that source's obligation to pay fees required by this section. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a source.

(p) Accountability. The sum of the fees assessed by the Authority to all major sources within the Authority's jurisdiction shall not exceed the cost of developing and administering the program. The Authority shall keep record of all direct and indirect costs to develop and administer the Operating Permit Program as specified in 40 CFR part 70. This information shall be used by the Authority in determining the net annual cost projections required by 6.03(g) above. Provided,

however, the information obtained from tracking revenues, time, and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

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.

DELETED SECTION

SECTION 6.04 ANNUAL FEES.

The Authority shall assess an annual air operating permit program fee according to section 6.04 subparts (a) through (g) below to any source requiring an air operating permit pursuant to RCW 70.94.161.

(a) Effective Date. Section 6.04 fees shall become effective commencing the date the Authority receives delegation from the Washington Department of Ecology to administer the air operating permit program.

(b) Fee Schedule. The annual air operating permit program fee charged a source shall consist of the sum of;

(1) A FACILITY FEE of an amount as indicated in Table 6.3 applicable to all sources subject to the annual air operating permit program fee; and

(2) A GENERATING EQUIPMENT FEE of an amount as indicated in Table 6.3 for each item of air contaminant generating equipment located at the source; and

(3) A STACK FEE of an amount as indicated in Table 6.3 for each stack located at the source; and

(4) An EMISSIONS FEE of an amount as indicated in Table 6.3 per ton of each air contaminant listed in Table 6.2 emitted by the source in excess of ten tons, evaluated on a pollutant by pollutant basis, during the previous calendar year; and

(5) A CLASS FEE of an amount as specified in Table 6.3; and

(6) A SOURCE SPECIFIC MONITORING FEE of an amount as specified in Table 6.3 if ambient monitoring is a requirement for the source; and

(7) An AGENCY OVERSIGHT FEE of an amount as determined by the Washington Department of Ecology (DOE) to recover DOE's cost of development and oversight of the air operating permit program.

TABLE 6.3: ANNUAL FEES FOR AIR OPERATING PERMIT SOURCES

ANNUAL FEE COMPONENT	FEE COMPONENT DESCRIPTION	FEE AMOUNT
Facility Fee	Fee assessed to all sources requiring registration or an operating permit.	\$103.00
Generating Equip. Fee	Fee assessed per each item of air contaminant generating equipment located at the source.	\$342.00
Stack Fee	Fee assessed per each stack located at the source.	\$325.00
Emissions Fee	Fee assessed per ton of TSP, SO ₂ , NO _x , VOC, and toxic air contaminants (see section 6.04 (b) (4) .	\$18.00
Class Fees:		
OP1	Major sources (≥100 tpy)	\$2,250
OP2	Major toxic sources	\$2,050
OP3	General operating permit sources	note 2
OP4	Non-maj requiring operating permit	\$1,150

PERMANENT

SOURCE SPECIFIC AMBIENT AIR MONITORING FEES	Fees charged a source for OAPCA to establish and operate a special purpose source specific monitoring station will be determined on a case by case basis when such monitoring is required.	variable
AGENCY OVERSIGHT FEE	Fees charged a source to recover the Department of Ecology's cost of development and oversight of the Title V Operating Permit program.	variable

TABLE 6.3 NOTES:

- 1) "na" means non-applicable.
- 2) Annual air operating permit program fees for general operating permit program sources will be adopted separately after general operating permits are developed and adopted.

(c) Assessment of Annual Fees. The annual air operating permit program fee charged a source shall be assessed according to section 6.04(c) items (1) through (4) below:

(1) The Authority shall assess annual air operating permit fees after August 1 of each year to cover the direct and indirect cost of administering the program for the current fiscal year commencing on July 1 and ending on June 30.

(2) The annual fees required by this section shall be based on process rates, equipment specifications, and emissions data from the previous calendar year on file with the Authority. For purposes of assessing annual fees, the Authority shall consider updates and revisions to any source's file received prior to August 1 of the current year. If process rates, equipment specifications, and emissions data from the previous calendar year is not on file with the Authority, the Authority may base the annual fee on the enforceable emissions limitations for the source and maximum capacities and production rates.

(3) The authority shall assess the emissions fee based on actual emissions from the source which occurred during the previous calendar year when available.

(4) For purposes of assessing annual fees, definitions for air contaminant generating equipment and stack shall be consistent with the definitions in section 6.00, and air contaminant generating equipment and stacks which are identical in size, capacity, function, and emissions may be counted as one unit as approved by the Authority.

(d) Payment of Annual Fees. Upon assessment by the Authority, annual fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, sources classified as OP1, OP2, or OP4 shall be given the option to pay their annual fee in quarterly installments. Sources may choose to pay their annual fees in quarterly installments by indicating so on the first invoice received and remitting payment of the first installment back to the Authority along with the duplicate copy of the invoice. Quarterly installments shall be equal to 25% of the total annual registration fee. Installments shall be due 30 days from assessment by the Authority.

(e) Late Payment of Annual Fees. Any source which does not pay their annual fee or annual fee installment within thirty (30) days of the due date, shall be assessed a late penalty in the amount of twenty-five percent of their annual fee. This late penalty shall be in addition to the annual fee.

(f) Appeal of Annual Fees. Annual fees may be appealed according to the procedure specified in section 3.17. The sole basis for such appeals shall be that the annual fee assessment contains an arithmetic or clerical error.

(g) Applicability of Article 5 Registration Fees. Sources assessed an annual operating permit fee shall not be subject to annual Registration Program Fees under Article 5.

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.

DELETED SECTION

SECTION 6.05 SERVICE FEES FOR OPERATING PERMIT MODIFICATIONS AND APPEALS.

Effective starting the date upon which the Authority receives delegation to administer the air operating permit program pursuant to Title 5 of the federal Clean Air Act Amendments and RCW 70.94.161, the Authority shall charge fees, separate and additional to annual fees, to sources applying for modification, minor modification, or administrative modification of an operating permit, and for services associated with an appeal of a proposed or approved operating permit. For purposes of assessing fees under this section, the terms "modification", "minor modification", "administrative modification", and "permit appeal" shall be defined consistent with definitions in title V of the Federal Clean Air Act Amendments and RCW 70.94.161. Fees charged by the Authority under this section shall be assessed according to subsections (a) through (f) of this section and shall cover the direct and indirect costs of providing these services pursuant to RCW 70.94.161.

(a) Operating Permit Modification Fees - All sources applying for modification of an operating permit shall be assessed a fee consisting of the sum of a "application filing fee", "generating equipment fee", "stack fee", "emissions fee", and "class fee" according to (1) through (6) of this subsection and amounts as specified in Table 6.4. The full fee for a modification application shall be assessed by the Authority after receipt of a complete application and shall be due and payable within 30 days. However, the Authority shall not commence processing an application for modification until, at a minimum, the APPLICATION FILING FEE portion of the total fee amount has been paid.

(1) All Sources applying for modification of an operating permit shall pay an APPLICATION FILING FEE of an amount as specified in Table 6.4; and

(2) A GENERATING EQUIPMENT FEE of an amount as specified in Table 6.4 for each item of air contaminant generating equipment located at the source which is directly or indirectly affected by the proposed modification; and

(3) A STACK FEE of an amount as indicated in Table 6.4 for each stack located at the source which is directly or indirectly affected by the proposed modification; and

(4) An EMISSIONS FEE of an amount as indicated in Table 6.4 per ton of each air contaminant listed in Table 6.2 emitted by the source in excess of ten tons, evaluated on a pollutant by pollutant basis, during the previous calendar year; and

PERMANENT

(5) A CLASS FEE of an amount as specified in Table 6.4.

(6) The authority shall assess the EMISSIONS FEE based on the sum of actual emissions from stacks and/or generating equipment for the last calendar year directly or indirectly affected by the proposed modification and potential annual emissions from proposed new emissions units. If actual emissions data for the last calendar year is not on record with the Authority, the Authority may base the EMISSIONS FEE on the enforceable emissions limitations which apply to the source and maximum capacities and production rates.

(b) Minor Modification Fees - All sources applying for a minor modification of an operating permit shall pay a fee of an amount dependent on the classification of the source as indicated in Table 6.4. The fee for processing a minor permit modification application shall be assessed by the Authority after receipt of a complete application and shall be due and payable within 30 days.

(c) Administrative Modification Fee - All sources applying for an administrative modification of an operating permit shall pay a fee of an amount dependent on the classification of the source as indicated in Table 6.4. The fee for processing an administrative permit modification application shall be

assessed by the Authority after receipt of a complete application and shall be due and payable within 30 days.

(d) Operating Permit Appeal Fee - The cost of Authority services directly or indirectly attributable to an operating permit appeal case shall be charged directly to the associated source at the rates as specified in Table 6.4. On a monthly basis, the Authority shall determine the cost of services provided by the Authority which are attributable to the operating permit appeal case and bill the source accordingly. Included in the billing invoice, the Authority shall provide a record of the time the Authority attributed to the case. Payment of the appeal fee shall be due 30 days after the Authority assesses the fee.

(e) Payment of Service Fees. Upon assessment by the Authority, fees charged under section 6.05 are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days.

(f) Appeal of Service Fees. Any fee assessed under section 6.05 may be appealed according to the procedure specified in section 3.17. The sole basis for such appeals shall be that the fee assessment contains an arithmetic or clerical error.

TABLE 6.4: OPERATING PERMIT SERVICE FEES

SERVICE ITEM	DESCRIPTION OF FEE COMPONENT	AMOUNT
PERMIT MODIFICATION	a. Filing Fee	\$ 103
	b. Generating Equipment Fee	\$ 196
	c. Stack Fee	\$ 196
	d. Emissions Fee	\$ 6
	e. Class Fee:	\$1,674
	OP1 - Major sources (≥100 tpy)	\$1,474
	OP2 - Major toxic sources	na
	OP3 - General permit source	\$ 934
	OP4 - Non-maj requiring operating permit	
MINOR, PERMIT MODIFICATION	a. Class Fee:	
	OP1 - Major sources (≥100 tpy)	\$1,058
	OP2 - Major toxic sources	\$ 852
	OP3 - General permit source	na
	OP4 - Non-maj requiring operating permit	\$ 521
ADMINISTRATIVE PERMIT MOD.	a. Class Fee:	
	OP1 - Major sources (≥100 tpy)	\$ 212
	OP2 - Major toxic sources	\$ 170
	OP3 - General permit source	na
	OP4 - Non-maj requiring operating permit	\$ 104
PERMIT APPEALS	OAPCA will log direct time hours spent on a permit appeal case and charge a fee based on the indicated hourly rate plus any incidental costs:	
	a. General Staff Cost	\$33/hr
	b. Engineer/Control Officer Cost	\$36/hr
	c. Attorney Cost	\$50/hr

AMENDATORY SECTION

SECTION 6.06 RESTRICTING THE POTENTIAL TO EMIT

A service based fee, additional to annual registration or operating permit fees, shall be assessed to those sources

applying to the Authority for approval of enforceable conditions that restrict the source's potential to emit, making the source a minor source and not subject to an operating permit. Fees for restricting a source's potential to emit shall be assessed (~~upon application and~~) according to (~~the~~) Article 7, section 7.13(~~(- Plan Examination and Inspection fee sched-~~

PERMANENT

ule)). The Authority shall assess the fee based on only those emissions units affected by the enforceable condition as proposed by the applicant.

WSR 98-17-017
PERMANENT RULES
OLYMPIC AIR POLLUTION
CONTROL AUTHORITY
 [Filed August 10, 1998, 8:55 a.m.]

Date of Adoption: August 9, 1998.

Purpose: Amend the articles and definitions to conform with changes to chapter 70.94 RCW imposed by SHB 1354 as passed by the legislature in 1998.

Citation of Existing Rules Affected by this Order: Amending OAPCA's Regulation 1, Articles 1 and 8.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-11-077 on May 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 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.

August 9, 1998

Charles Peace
Executive Director

AMENDATORY SECTION

SECTION 1.07 DEFINITIONS

When used in regulations of the Olympic Air Pollution Control Authority, the following definitions shall apply, unless they are preempted by definitions in individual Articles:

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one year period which precedes the particular date and which is representative of normal source operation. The Authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and

types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For an emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

ADVERSE IMPACT ON VISIBILITY means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

AGRICULTURAL BURNING means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

AGRICULTURAL OPERATION means the growing of crops, the raising of fowl or animals as gainful occupation.

AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant".

AIR POLLUTION means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

AIR POLLUTION EPISODE means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in Chapter 173-435 WAC.

ALLOWABLE EMISSIONS means the emission rate calculated using the maximum rated capacity of the source (unless the stationary source is subject to limits enforceable by the Authority which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as set forth in 40 CFR part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or;

(c) The emissions rate specified in an approval order, permit condition, or regulatory order issued by the Authority including those with a future compliance date.

ALTERATION means any addition to or enlargement or replacement; or any major modification or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility which

will significantly increase or adversely affect the kind or amount of air contaminant emitted.

AMBIENT AIR means that portion of the atmosphere external to a building to which the general public has access.

AMBIENT AIR QUALITY STANDARD means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

ANCILLARY for the purpose of defining "source", means "related".

AUTHORITY means the Olympic Air Pollution Control Authority.

AUTHORIZED PERMITTING AGENT means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control authority or Department of Ecology.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing authority determines that technological or economic limitations on the application of the imposition of an emission standard is infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

BEST AVAILABLE RETROFIT TECHNOLOGY (BART) means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required.

BOARD means the Board of Directors of the Olympic Air Pollution Control Authority.

BUBBLE means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

CAPACITY FACTOR means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

CLASS I AREA means any area designated pursuant to § 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;
Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness; and
Spokane Indian Reservation.

COMBUSTIBLE REFUSE means any burnable waste material containing carbon in a free or combined state other than liquid or gases.

COMBUSTION AND INCINERATION UNITS means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

COMMENCED CONSTRUCTION means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual onsite construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

CONCEALMENT means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

CONTROL APPARATUS means any device which prevents or controls the emission of any air contaminant.

CONTROL OFFICER means the Air Pollution Control Officer of the Olympic Air Pollution Control Authority.

DAYLIGHT HOURS means the hours between official sunrise and official sunset.

DIRECTOR means director of the Washington State Department of Ecology or duly authorized representative.

DISPERSION TECHNIQUE means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

ECOLOGY means the Washington State Department of Ecology.

EMISSION means a release of air contaminants into the ambient air.

EMISSION LIMITATION means requirement established by the EPA, Ecology, or the Authority which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

EMISSION POINT means the location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

EMISSION REDUCTION CREDIT (ERC) means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

EMISSION UNIT means any part of a source or a stationary source which emits or would have the potential to emit any pollutant subject to regulation.

EPA means the United States Environmental Protection Agency (USEPA).

EQUIPMENT means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

EXCESS EMISSION means emissions of an air pollutant in excess of an emission standard or emission limitation.

EXCESS STACK HEIGHT means that portion of a stack which exceeds the greater of sixty five meters or the calculated stack height described in WAC 173-400-200(2).

FACILITY is defined as all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership of control.

FEDERAL CLEAN AIR ACT (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, Stat. 392, December 17, 1963, 42 U.S.C. & 401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

FEDERAL LAND MANAGER means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

FOSSIL FUEL FIRED STEAM GENERATOR means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

FUEL BURNING EQUIPMENT means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

FUGITIVE DUST means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

FUGITIVE EMISSIONS means emissions which do not pass, and which could not reasonably pass, through a stack, chimney, vent, or other functionally equivalent opening.

GARBAGE means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

GENERAL PROCESS UNIT means an emissions unit using a procedure or combination of procedures for the purpose of

causing a change in material by either chemical or physical means, excluding combustion.

GENERATING EQUIPMENT means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

GOOD ENGINEERING PRACTICE (GEP) refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

HOG-FUEL means wood slabs, edging, trimmings, etc., which have been put through a "hog" to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

IDENTICAL UNITS means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.

IMPAIRED AIR QUALITY means a condition declared by the department or a local air authority in accordance with the following criteria:

(a) Meteorological conditions are conducive to accumulation of air contamination concurrent with:

(1) Particulate that is ten micron and smaller in diameter (PM-10) at or above an ambient level of (~~seventy-five~~) sixty (60) micrograms per cubic meter measured on a twenty-four-hour average; or

(2) Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight-hour average.

(b) Air quality that threatens to exceed other limits established by the department or a local air authority.

INCINERATOR means a furnace used primarily for the thermal destruction of waste.

IN OPERATION means engaged in activity related to the primary design function of the source.

INTEGRAL VISTA means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the Class I area.

LIDAR (Light Detection and Ranging) means the EPA alternate method 1 Determination of the opacity of emissions from stationary sources remotely by lidar.

LOWEST ACHIEVABLE EMISSION RATE (LAER) means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

MAJOR MODIFICATION means any physical change, or change in the method of operation, of a major source that

would result in a significant net emissions increase of any pollutant subject to regulation under the act. Any net emissions increase that is considered significant for volatile organic compounds and nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

- (a) Routine maintenance, repair, and replacement;
- (b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;
- (d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (e) Use of an alternative fuel or raw material by a source which:

(1) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a Prevention of Significant Deterioration permit or Notice of Construction Approval; or

(2) the source is approved to use under any permit issued under regulations approved pursuant to this section;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976 in a Prevention of Significant Deterioration permit or a Notice of Construction Approval.

(g) Any change in ownership of a source.

MAJOR SOURCE means:

(a) Any source which:

(1) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Act;

(2) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;

(3) Is located in a "serious" carbon monoxide nonattainment area where sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(4) Is located in a "serious" particulate matter (PM-10) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM-10 emissions.

(5) Emits or has the potential to emit 10 tons or more per year of any toxic air pollutant or 25 tons per year of any combination of toxic air pollutants.

(b) Any physical change that would occur at a source not qualifying under (a) of this subsection as a major source, if the change would constitute a major source by itself;

(c) A major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

(d) The fugitive emissions of a source shall not be included in determining for any of the purposes of this sec-

tion whether it is a major source, unless the source belongs to one of the following categories of sources or the source is a major source solely due to paragraphs (a)(3) or (a)(4) of this subsection:

- (1) Coal cleaning plants (with thermal dryers);
- (2) Kraft pulp mills;
- (3) Portland cements plants;
- (4) Primary zinc smelters;
- (5) Iron and steel mills;
- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (9) Hydrofluoric, sulfuric, or nitric acid plants;
- (10) Petroleum refineries;
- (11) Lime plants;
- (12) Phosphate rock processing plants;
- (13) Coke oven batteries;
- (14) Sulfur recovery plants;
- (15) Carbon black plants (furnace process);
- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants;
- (21) Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil fuel fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (27) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

MANDATORY CLASS I FEDERAL AREA means any area defined in § of the FCAA, Subpart D as amended through the adoption date of this rule. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;
 Glacier Peak Wilderness;
 Goat Rocks Wilderness;
 Mount Adams Wilderness;
 Mount Rainier National Park;
 North Cascades National Park;
 Olympic National Park;
 Pasayten Wilderness.

MASKING means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

MATERIALS HANDLING means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

MODIFICATION means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such

sources or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) means the federal regulations set forth in 40 CFR Part 61.

NATURAL CONDITIONS means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

NET EMISSIONS INCREASE means:

(a) The amount by which the sum of the following exceeds zero:

(1) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(1) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring over the life of the ERC shall be counted against the ERC.

(2) Ecology or the Authority has not relied on it in issuing an order of approval for the source under regulations approved pursuant to CFR Part 51, Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 which the order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(2) It is federally enforceable at and after the time that actual construction on the particular change begins;

(3) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(4) Ecology or the Authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or Ecology or the Authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown

becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

NEW SOURCE means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

NEW SOURCE PERFORMANCE STANDARDS (NSPS) means the federal regulations set forth in 40 CFR Part 60.

NONATTAINMENT AREA means a clearly delineated geographic area which has been designated by EPA and promulgated as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants, which includes carbon monoxide, fine particulate matter (PM-10) sulfur dioxide, ozone, and nitrogen dioxide.

NOTICE OF CONSTRUCTION APPLICATION means a written application to permit construction of a new source, modification of an existing source, or replacement or substantial alteration of control technology at an existing source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

NUISANCE means an emission that unreasonably interferes with the use and enjoyment of property.

OPACITY means the degree to which an object seen through a plume is obscured, stated as a percentage.

OPEN BURNING means the combustion of material in an open fire or in an open container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

OPEN FIRE means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

ORDER OF APPROVAL OR APPROVAL ORDER means a regulatory order issued by Ecology or the Authority to approve the Notice of Construction Application for a proposed new source or modification or the replacement or substantial alteration of control technology at an existing stationary source, after review of all information received including public comment as required under Article 5 and Article 7.

OWNER means and includes the person who owns, leases, supervises or operates the equipment or control apparatus.

PARTICULATE MATTER OR PARTICULATES means any liquid, other than water, or any solid, which is so finely divided as to be capable of becoming windblown or being suspended in air, or other gas or vapor.

PARTICULATE MATTER EMISSIONS means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by a preapproved method by the Authority.

PARTS PER MILLION (ppm) means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

PERMIT means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

PERSON means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

PM-10 means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM-10 emissions means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington State Implementation Plan (SIP).

POTENTIAL CONTROLLED EMISSIONS means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment operating. Operating control equipment can be considered only if the affect such controls have on emissions is federally enforceable.

POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a source.

POTENTIAL UNCONTROLLED EMISSIONS means the emissions from a facility determined as if the facility was operated at maximum capacity, 8,760 hours per year with control equipment NOT operating.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) means the program set forth in WAC 173-400-141. Ecology has adopted the federal PSD program contained in 40 CFR 52.21 with some changes, which are described in WAC 173-400-141.

PROCESS means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

PROJECTED WIDTH means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

REASONABLE ALTERNATIVES means disposal alternatives to open burning that cost less than eight dollars fifty cents per cubic yard. After July 1993, this amount shall be adjusted periodically by department policy.

REASONABLY ATTRIBUTABLE means attributable by visual observation or any other technique the Authority deems appropriate.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) means the lowest emission limit that a particular

source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by quality, and the capital and operating costs of the additional controls. RACT requirements for any source category shall be adopted only after notice and opportunity for comment are afforded.

RECREATIONAL FIRE means barbecues and campfires, using charcoal, natural gas, propane, or natural wood, which occur in designated areas, or on private property. Fires used for debris disposal purposes are not considered recreational fires.

REFUSE means waste as defined in Section 1.07 of this Regulation.

REGULATION 1 means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic Air Pollution Control Authority.

REGULATORY ORDER means an order issued by Ecology or the Authority to an air contaminant source which approves a notice of construction application, limits emissions and/or establishes other air pollution control requirements.

REPRESENTATIVE or AGENT means any person authorized by the Control Officer of the Authority to represent him in an official and specific manner.

RESIDENTIAL means a two or single family unit.

RUBBISH means waste as defined in Section 1.07 of the Regulation.

SALVAGE OPERATION means any operation conducted in whole or in part for the salvaging or reclaiming of any product.

SIGNIFICANT means a rate of emissions equal to or greater than any one of the following rates:

<u>Pollutant</u>	<u>Tons/Year</u>
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM ₁₀)	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced Sulfur compounds (including H ₂ S)	10
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride)	40

PERMANENT

SIGNIFICANT VISIBILITY IMPAIRMENT means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

SILVICULTURAL BURNING means burning on any land the Department of Natural Resources protects per RCW 70.94.030(13), 70.94.660, 70.94.690, and pursuant to Chapter 76.04 RCW.

SOURCE means all of the emissions unit(s) and all of the pollutant emitting activities which belong to the same industrial grouping, including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

SOURCE CATEGORY means all sources of the same type or classification.

STACK means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

STACK HEIGHT means the height of an emission point measured from the ground level elevation at the base of the stack.

STANDARD CONDITIONS means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

STANDARD CUBIC FOOT OF GAS means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

STATE ACT means the Washington Clean Air Act, Chapter 70.94 RCW, as amended.

STATIONARY SOURCE means any source as defined in this section which is fixed in location temporarily or permanently. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the FCAA.

SULFURIC ACID PLANT means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

TEMPORARY means a period of time not to exceed one (1) year.

TOTAL REDUCED SULFUR (TRS) means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an approved equivalent method and expressed as hydrogen sulfide.

TOTAL SUSPENDED PARTICULATE means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

TOXIC AIR POLLUTANT(S) (TAP) means any class A or Class B toxic air pollutant listed in WAC 173-460-150 and/or WAC 173-460-160.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) shall be referred to as EPA.

URBAN GROWTH AREA means an area defined by RCW 36.70A.030.

VENT means any opening through which gaseous emissions are exhausted into the ambient air.

VISIBILITY IMPAIRMENT means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

VISIBILITY IMPAIRMENT OF CLASS I AREAS means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

VOLATILE ORGANIC COMPOUND (VOC) means:

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Methane; ethane, methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

(1) Cyclic, branched, or linear completely fluorinated alkanes;

(2) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

(3) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Authority.

(c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, Ecology or the Authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of Ecology or the Authority, the amount of negligibly reactive compounds in the source's emissions.

WASTE means unproductive, worthless, useless or rejected material.

WASTE-WOOD BURNER means equipment or facility used solely for the combustion-disposal of waste wood without heat recovery. Such burners shall include, but not be limited

to, a wigwam burner, a silo-type burner, or an air-curtain burner.

WIGWAM or TEPEE BURNER - see Waste-wood Burner.

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

AMENDATORY SECTION

SECTION 8.03 DEFINITIONS

ADEQUATE SOURCE OF HEAT means the ability to maintain seventy degrees Fahrenheit (70°F) at a point three (3) feet above the floor in all normally inhabited areas of a dwelling—garages are specifically excluded.

CERTIFIED means that a woodstove meets emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by:

(a) EPA in 40 CFR Part 60 Subpart AAA-Standards of Performance for Residential Wood Heaters as amended through July 1, 1990; or

(b) Oregon Department of Environmental Quality Phase 2 emission standards contained in Subsections (2) and (3) of Section 340-21-115, and Oregon Administrative Rules, Chapter 340, Division 21—Woodstove Certification dated November 1984.

COMMERCIAL means a location that is licensed by the State of Washington to conduct business within the State of Washington.

COOK STOVE means an appliance designed with the primary function of cooking food and containing an integrally built in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ash pan and an ash cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cook stove.

IMPAIRED AIR QUALITY STAGE 1 means a condition declared by the Control Officer when particulates, 10 microns and smaller in diameter, are at an ambient level of ((75)) sixty (60) micrograms per cubic meter measured on a 24 hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight hour average.

IMPAIRED AIR QUALITY STAGE 2 means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24 hour average.

NONAFFECTED PELLET STOVE means that a pellet stove has an air-to-fuel ratio equal to or greater than 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A-Measurement of Air to Fuel Ratio and Minimum achievable burn rates for Wood fired Appliances as amended through July 1, 1990.

SALT LADEN WOOD means any species of wood that has been soaked in salt water.

SEASONED WOOD means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.

SOLID FUEL BURNING DEVICE means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel except those prohibited by Section 8.07. This also includes devices used for aesthetic or spaceheating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour. A cook stove is specifically excluded from this definition.

TREATED WOOD means wood of any species that has been chemically impregnated, painted, or similarly modified to improve structural qualities or resistance to weathering or deterioration.

WOODSTOVE means an enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating. Any combination of parts, typically consisting of, but not limited to: Doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

WSR 98-18-003

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 182—Filed August 20, 1998, 8:14 a.m.]

Date of Adoption: August 19, 1998.

Purpose: Traffic regulations are exempt from the rule-making process. As an alternative to rules, the regional administrators have been delegated the authority to prohibit fishing from bridges.

Citation of Existing Rules Affected by this Order: Repealing WAC 468-30-030.

Statutory Authority for Adoption: RCW 34.05.354 and 47.01.101.

Adopted under preproposal statement of inquiry filed as WSR 98-13-060 on June 12, 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.

August 19, 1998

Gerald E. Smith

Deputy Secretary, Operations

PERMANENT

REPEALER

The following section of the Washington Administrative Code is repealed:

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

**WSR 98-18-004
PERMANENT RULES
OLYMPIC AIR POLLUTION
CONTROL AUTHORITY**

[Filed August 20, 1998, 9:25 a.m.]

Date of Adoption: May 10, 1997.

Purpose: To achieve consistency. Amend the definition of "potential to emit" under Articles 5 and 6 so that they are consistent with the definition of "potential to emit" under Article 1, the general definition section.

Citation of Existing Rules Affected by this Order: Amending OAPCA Regulation 1, Articles 5 and 6.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 97-06-079 on March 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.

August 20, 1998

Charles Peace

Executive Director

**ARTICLE 5
REGISTRATION**

AMENDED SECTION

SECTION 5.00 DEFINITIONS

For purposes of Article 5, the following definitions apply.

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) and (b) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the

emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

AIR CONTAMINANT GENERATING EQUIPMENT means, for purposes of calculating Article 5 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in (a) through (g) below:

(a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.

(b) Storage tanks and other equipment located at dry cleaning facilities.

(c) Combustion units with less than 10 million BTUs per hour heat input.

(d) Process equipment with less than 20,000 ACFM flowrate.

(e) Paint spray booths and related paint spraying equipment.

(f) Mobile sources.

(g) Any other equipment or process determined appropriate for this exemption by the Authority.

EMISSIONS means a release of air contaminants into the ambient air.

EMISSIONS UNIT means any part of a source which emits or would have the potential to emit any pollutant subject to regulation.

FACILITY means the same as "source".

POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable ((~~by the Authority~~)).

SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

STACK means, for purposes of calculating fees pursuant to Article 5, any point in a source designed to emit solids, liq-

PERMANENT

uids, or gases into the air, including a pipe or duct, except for the following:

- (a) Emission points associated with gasoline or fuel dispensing stations.
- (b) Emission points associated with dry cleaning facilities.
- (c) Pipes or ducts equal to or less than twelve (12) inches in diameter.
- (d) Any other emission point determined appropriate for this exemption by the Authority.

ARTICLE 6 OPERATING PERMIT PROGRAM

AMENDED SECTION

SECTION 6.00 DEFINITIONS

For purposes of Article 6, the following definitions shall apply.

ACTUAL EMISSIONS means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) and (b) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the rate, in tons per year, at which the emissions unit actually emitted the pollutant during a one-year period which precedes the particular date and which is representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

AIR CONTAMINANT GENERATING EQUIPMENT means, for purposes of calculating Article 6 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in (a) through (g) below:

- (a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Article 15.
- (b) Storage tanks and other equipment located at dry cleaning facilities.
- (c) Combustion units with less than 10 million BTUs per hour heat input.
- (d) Process equipment with less than 20,000 ACFM flowrate.
- (e) Paint spray booths and related paint spraying equipment.
- (f) Mobile sources.
- (g) Any other equipment or process determined appropriate for this exemption by the Authority.

EMISSIONS means a release of air contaminants into the ambient air.

EMISSIONS UNIT means any part of a source which emits or has the potential to emit any pollutant subject to regulation.

FACILITY means the same as "source".

POTENTIAL TO EMIT means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable ((by the Authority)).

SOURCE means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

STACK means, for purposes of calculating Article 6 fees, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

- (a) Emission points associated with gasoline or fuel dispensing stations.
- (b) Emission points associated with dry cleaning facilities.
- (c) Pipes or ducts equal to or less than twelve (12) inches in diameter.
- (d) Any other emission point determined appropriate for this exemption by the Authority.

TOXIC AIR POLLUTANT means any Class A or Class B toxic air pollutants listed in WAC 173-460-150 and 173-460-160. The

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 98-18-006

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed August 20, 1998, 4:33 p.m.]

Date of Adoption: August 20, 1998.

Purpose: WAC 458-16-110, 458-16-165, 458-16-300, and 458-16-310 are property tax rules dealing with exemptions granted to nonprofit organizations. They are being amended at this time because the statutes they implement were revised by the legislature during the last few years. The amended rules will explain and implement how the department will administer the legislative changes. WAC 458-16-111 is being repealed because its contents are to be incorporated into WAC 458-16-110, which is being amended, so that all information regarding the application and renewal pro-

cesses relating to property tax exemptions will be contained in one rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 458-16-111 Filing fees, penalties and refunds; and amending WAC 458-16-110 Applications—Who must file, initial applications, renewal applications, annual certifications, 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption, 458-16-300 Public meeting hall—Public meeting place—Community meeting hall, and WAC 458-16-310 Community celebration facilities.

Statutory Authority for Adoption: RCW 84.36.865.

Other Authority: RCW 84.36.037, 84.36.805, 84.36.815, 84.36.825, and 84.36.840.

Adopted under notice filed as WSR 98-14-084 on June 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 4, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 4, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1998

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 458-16-111 Filing fees, penalties and refunds.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-110 Applications—Who must file, initial applications, (~~renewal applications~~), annual (~~certifications~~) declarations, filing fees, penalties, and refunds. ((1) ~~Introduction.~~ This section explains the procedures property owners must follow to apply for and to renew all real and personal property tax exemptions provided under chapter 84.36 RCW for which the taxpayer must apply to receive.

(2) ~~Application required.~~ All foreign national governments, cemeteries, nongovernmental nonprofit corporations,

organizations, and associations, and soil and water conservation districts seeking exemption from ad valorem property taxation under the provisions of chapter 84.36 RCW shall apply for exemption with the department of revenue. Unless otherwise exempted by law, no real or personal property shall be exempt from taxation unless an application has first been filed and exemption has been granted therefor.

(3) ~~Initial applications.~~ In general, initial applications for exemption of real or personal property shall be filed with the department of revenue on or before March 31. However, when real property that may qualify for exemption is acquired or when real property is converted to a use that may qualify the property for exemption, in order for the property to be granted exemption, an initial application must be filed with respect to the property within sixty days following acquisition or conversion; if this application is not received within this period, the penalties set forth in WAC 458-16-111 will be applied. All initial applications shall comply with the following:

(a) The application shall be made on a form prescribed by the department and signed by an authorized agent of the applicant.

(b) To the extent exemption is sought for real property, each application may include all property that is contiguous and part of a homogeneous unit. Except with respect to applications for exemption of church property involving a noncontiguous parsonage or convent, a separate application must be submitted for real property that is not both contiguous and part of a homogeneous unit.

(i) ~~Contiguous property means~~ real property adjoining other real property, all of which is under the control of a single applicant even though the properties may be separated by public roads, railroads, rights of way or waterways.

(ii) ~~A homogeneous unit means one where the property is under the control of a single applicant and the operation and use of the property is integrated with and directly related to the activity of the applicant.~~

(c) The application shall include copies of the articles of incorporation or association, or constitution or other establishing document, together with all current amendments thereto, and also include a copy of the bylaws of the applicant. The application shall also include a copy of any current letter from the Internal Revenue Service that grants the applicant exemption from payment of federal income taxes, unless the nonprofit organization, association, or corporation is part of a larger organization, association, or corporation, like a church or the boy scouts, that has been issued a group 501 (e)(3) exemption ruling by or is otherwise exempt from filing with the Internal Revenue Service. If copies of these documents have previously been filed with the department and are still current, the application need not include them.

(d) The application shall include an accurate map identifying by dimension the use or proposed use of all real property including buildings, building sites, parking areas, land-seaping, vacant areas, and, if requested by the department, floor plans of multistoried buildings from which a determination exempting the total area can be made or from which a segregation for partial exemption can be made.

(e) The application shall accurately describe the real and personal property for which exemption is sought. The appli-

ation shall include a legal description of all real property and provide the county tax parcel number for each parcel of real property. A copy of the current deed relative to the real property shall also be included with the application.

(f) The application shall indicate whether any of the real or personal property that is the subject of the application is leased or loaned from or to others, and if so, include a copy of the lease agreement and further indicate the following:

- (i) Which property is leased or loaned;
- (ii) The amount of the rent or other consideration;
- (iii) To whom or from whom the property is loaned or leased;
- (iv) What use is being made of the property; and
- (v) What is the monthly amount of operation and maintenance costs.

(4) **Renewal applications.** In order to requalify for exemption, each applicant (except nonprofit cemeteries) shall submit a renewal application not later than March 31 of each fourth year following the date of the most recent initial application. The renewal application shall be made on forms prescribed by the department and signed by an authorized agent of the applicant, and shall include information regarding any change in use or in exempt status or any change in the items covered in subsection (3)(b) through (f) of this section, since the filing of the initial application or since the filing of the previous renewal application.

(5) **Annual certifications—affidavit.** In order to retain the exemption from property taxation, each applicant (except nonprofit cemeteries) that has previously been granted exemption shall annually file an affidavit with the department certifying that the use and exempt status of the real and personal property claimed as exempt has not changed. These affidavits shall be on forms prescribed by the department and shall be in accordance with the following:

(a) The department shall annually on or before January 1 mail affidavit forms or, when appropriate, renewal forms to owners of record of exempt property at their last known address.

(b) The affidavit form or renewal form shall be filed with the department no later than March 31 and signed by an authorized agent of the applicant. The filing shall be due by March 31 regardless of whether the form was received by the applicant from the department.

(c) If the applicant fails to file the affidavit or renewal form within a reasonable time after the due date, and after the department has mailed an additional notice to the applicant at the applicant's last known address, the department may remove the exemption from the property and upon removal shall so notify the assessor in the county where the property is located.

(6) **Failure to file renewal application or annual certification.** When the exemption has been removed as a result of an applicant's failure to file a renewal application or an annual certification, if the applicant wishes to requalify for exemption:

(a) Within the same assessment year, the applicant must complete and file a renewal application or an annual certification together with any required late filing penalties; or

(b) Within a subsequent assessment year, the applicant must file an initial application together with the initial filing fee and any required late filing penalties.

(7) **Filing fees and penalties.** All initial applications, renewal applications or annual certifications are subject to the filing fees and penalties set forth in WAC 458-16-111.

(8) **Effective date of exemption.** Applications that are approved shall be effective for property taxes due and payable the year following the year of application. Applications for previous years, up to a maximum of three years from the date of payment of the tax, may be accepted if the applicant provides proof acceptable to the department that the property qualified for exemption in the assessment year prior to the tax year for which exemption is claimed and the initial filing fee and late filing penalties are paid.

(9) **Where to obtain application forms.** Applications for exemption may be obtained from any county assessor's office or from the department of revenue. (1) **Introduction.** This section explains the procedures property owners must follow to apply for and to renew all real and personal property tax exemptions provided under chapter 84.36 RCW for which the taxpayer must apply in order to receive. It also specifies the fee that must be submitted with an initial application or renewal declaration for exemption, as well as the late filing penalty that is due whenever an initial application or renewal declaration is received after the filing deadline.

(2) **Application required.** All foreign national governments, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, and soil and water conservation districts seeking exemption from property taxation under the provisions of chapter 84.36 RCW shall apply for exemption with the department of revenue. Unless otherwise exempted by law, no real or personal property shall be exempt from taxation until an application has been filed and an exemption has been granted.

(3) **Where to obtain application forms.** Applications for exemption may be obtained from any county assessor's office or the department of revenue.

(4) **Initial applications.** Generally, initial applications for exemption of real or personal property shall be filed with the department of revenue on or before March 31 to exempt the property from taxes due the following calendar year. However, an initial application may be filed after March 31st if the property is acquired for or converted to an exempt use after that date, if the property may qualify for exemption under one of the statutes contained in chapter 84.36 RCW, and if, following the acquisition or conversion of the property, an application for exemption is submitted within sixty days. If an initial application under these circumstances is not received within sixty days, the late filing penalty described in subsection (9) of this section will be imposed. All initial applications shall comply with the following:

(a) A filing fee of thirty-five dollars shall be submitted with each application.

(b) The application shall be made on a form prescribed by the department and signed by the applicant or the applicant's authorized agent.

(c) Each application for exemption of real property may include all property that is contiguous and part of a homoge-

neous unit. A separate application must be submitted for real property that is not both contiguous and part of a homogeneous unit. However, a separate application shall not be required for church property involving a noncontiguous parsonage or convent.

(i) Contiguous property means real property adjoining other real property, all of which is under the control of a single applicant even though the properties may be separated by public roads, railroads, rights of way, or waterways.

(ii) A homogeneous unit means one where the property is under the control of a single applicant and the operation and use of the property is integrated with and directly related to the exempt activity of the applicant.

(d) The application shall include copies of the articles of incorporation or association, or constitution or other establishing document, together with all current amendments thereto, showing nonprofit status and a copy of the bylaws of the nonprofit entity applying for exemption. The application shall also include a copy of any current letter from the Internal Revenue Service that grants the applicant exemption from paying federal income taxes, unless the nonprofit organization, association, or corporation is part of a larger organization, association, or corporation, like a church or the boy scouts, that has been issued a group 501 (c)(3) exemption ruling by or is otherwise exempt from filing with the Internal Revenue Service. If copies of these documents have previously been filed with the department and are still current, they do not have to be resubmitted.

(e) The application shall include an accurate map identifying by dimension the use or proposed use of all real property including buildings, building sites, parking areas, landscaping, vacant areas, and, if requested by the department, floor plans of multistoried buildings. This map will be used to determine whether the property is entitled to a total exemption or a partial exemption based upon the use of the total area.

(f) The application shall accurately describe the real and personal property for which exemption is sought. The application shall include a legal description of all real property, provide the county tax parcel number for each parcel of real property, and, if the property is owned by the applicant, a copy of the current deed relative to the real property.

(g) The application shall indicate whether any of the real or personal property included in the application is rented or loaned from or to others. If the property is rented or loaned, the applicant must include a copy of the rental agreement with the application and answer the following questions:

(i) Which property, in whole or in part, is rented or loaned;

(ii) The amount of the rent or other consideration received;

(iii) To whom or from whom the property is rented or loaned;

(iv) What use is being made of the property; and

(v) The monthly amount of operation and maintenance costs related to the rented or loaned property.

(5) Effective date of exemption. If the application for exemption is approved, the property shall be exempt from property taxes due the year immediately following the year the application was submitted. For example, if an application

is submitted in 1995 and the property is eligible for exemption effective 1/1/95, the property will be exempt from taxes due in 1996. Applications for previous years may be submitted, up to a maximum of three years from the date the taxes were paid, if the applicant provides proof acceptable to the department that the property qualified for exemption in the assessment year prior to the tax year for which exemption is claimed and the initial filing fee and late filing penalties are paid.

(6) Annual renewal declaration. In order to retain a property tax exemption, each nonprofit entity (except nonprofit cemeteries) receiving an exemption shall annually file a renewal declaration with the department certifying that the use and exempt status of the real and personal property claimed as exempt has not changed. The declaration shall be on a form prescribed by the department and shall be in accordance with the following:

(a) The department shall annually on or before January 1 mail a renewal declaration to the owners of record of exempt property at their last known address.

(b) The renewal declaration shall be filed with the department no later than March 31, signed by the owner, and accompanied by a filing fee of eight dollars and seventy-five cents. This declaration shall include information regarding any change of use and a certification as to the truth and accuracy of the information listed. It shall be due on or before March 31 regardless of whether the department mailed the declaration to the owner.

(c) If the owner fails to file the renewal declaration by the due date, and after the department has mailed an additional notice to the owner at the owner's last known address, the department shall remove the exemption from the property and notify the assessor in the county where the property is located that the exemption is removed and that the property is to be placed back on the tax rolls.

(7) Failure to file annual renewal declaration. When the exemption has been removed as a result of an owner's failure to file an annual renewal declaration and the owner wishes to reapply for the property tax exemption:

(a) Within the same assessment year, the owner must complete and file an annual renewal form and pay any required late filing penalties; or

(b) Within a subsequent assessment year, the owner must file an initial application, pay the initial filing fee, and pay any required late filing penalties.

(8) Full payment of filing fees is required before an initial application or renewal declaration will be processed. The department will not process an application or a renewal form for a property tax exemption until all filing fees and penalties, if applicable, have been paid.

(9) Late filing penalty. When an initial application or renewal form is not submitted by the due date, a late filing penalty of ten dollars is due for every month, or portion thereof. This penalty is calculated from the date the filing was due up to the postmark date shown on the application or renewal declaration.

(10) Refund of filing fee or penalty. No filing fees or late filing penalty will be refunded after a determination on the application or renewal is issued by the department. How-

ever, filing fees and the late filing penalty will be refunded under the following circumstances:

(a) When a duplicate application or renewal form for exemption for the same property is filed for the same year;

(b) When an application or renewal form for exemption is received by the department and the department has no authority to grant the exemption requested; or

(c) When a written request to withdraw the application or renewal form for exemption is received before a determination has been issued by the department. The request to withdraw the application or renewal form must be signed by the owner or the owner's authorized agent.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-165 Conditions under which nonprofit organizations, associations, or corporations may obtain a property tax exemption. (1) **Introduction.** Nonprofit organizations, associations, and corporations may obtain a property tax exemption under the provisions of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.046, 84.36.047, 84.36.050, 84.36.060, 84.36.350, 84.36.480, ~~((and)) 84.36.550, and chapter 202, Laws of 1998.~~ To be exempt from property taxation, these nonprofit organizations, associations, or corporations must also comply with the requirements contained in RCW 84.36.805 and RCW 84.36.840. This section explains the conditions and requirements set forth in RCW 84.36.805 and 84.36.840. Property exempt under RCW 84.36.030 is not subject to the requirements of RCW 84.36.840.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles to maintain and operate the loaned or rented portion of the exempt property.

(b) "Revenue" means income received from the loan or rental of exempt property when the income exceeds the amount of ~~((the expenses of))~~ maintenance and operation expenses attributable to the portion of the property loaned or rented.

(c) "Personal service contract" means a contract between a nonprofit organization, association, or corporation and an independent contractor under which the independent contractor provides a service on the organization's, association's, or corporation's tax exempt property. (See example contained in subsection (3)(c) of this section.)

(3) **Exclusive use.** Unless the applicable statute states otherwise, the exempt property shall be exclusively used for the actual operation of the activity for which the nonprofit organization, association, or corporation ~~((that))~~ applied ~~((for))~~ and received the property tax exemption ~~((and))~~. The amount of exempt property shall not exceed an area reasonably necessary ~~((for that))~~ to facilitate the exempt purpose.

(a) Loan or rental of exempt property. As a general rule, the loan or rental of ~~((the))~~ exempt property ~~((or a portion of the property))~~ does not ~~((subject the property to taxation))~~ make it taxable if the rents or donations received for the use of the property are reasonable and do not exceed the mainte-

nance and operation expenses attributable to the portion of the property loaned or rented and the property would be exempt from tax if owned by the organization to which it is loaned or rented ~~((, except for))~~. Property owned by organizations and societies of war veterans, public assembly halls, public meeting places, community meeting halls, and community celebration facilities are not subject to these limitations.

(i) Exception - loaned or rented for less than fifteen days. ~~((If exempt property is loaned or rented the tax exempt))~~ The status of ((the)) exempt property will not be affected if:

(A) The property is loaned or rented for a period of fifteen consecutive days or less;

(B) The property is loaned or rented to another nonprofit organization, association, or corporation that would qualify for exemption if it owned the loaned or rented property ~~((; unless the))~~. This limitation does not apply to exempt property ((is)) owned by organizations and societies of war veterans, public assembly halls, public meeting places, community meeting halls, and community celebration facilities; and

(C) All income received from the rental is devoted exclusively to the exempt purpose of the nonprofit organization, association, or corporation ~~((that receives))~~ receiving the tax exemption.

(ii) Loaned or rented to produce income. If the ~~((property is loaned or rented and the lessor or lessee intends to produce revenue from the loan or rental, the subject property shall not be exempt. Property loaned or rented from which revenue is to be produced must be segregated and taxed whether or not the revenue is devoted to exempt purposes))~~ lessor or lessee of exempt property intends to produce income from exempt property loaned or rented, the property will lose its exempt status. Property loaned or rented to produce income must be segregated from exempt property used for exempt purposes. However, property exempt under RCW 84.36.037 (public assembly halls, public meeting places, community meeting halls, and community celebration facilities) may be loaned or rented for pecuniary gain or to promote business activities for a maximum of seven days each assessment year or in a county with less than ten thousand people, the property may be used to promote the following business activities: Dance lessons; art classes; or music lessons (see WAC 458-16-300 and 458-16-310).

(iii) Example. If a ~~((room or floor within))~~ portion of a building owned by a nonprofit hospital is rented to a ((social service agency and the social service agency intends)) pharmacy and the hospital and/or the pharmacy intend to use this area to produce ((revenue, the rented)) income, this portion of the ((building)) hospital must be segregated from the remainder of the building that is being used for exempt hospital purposes. ((The segregated and rented portion of the building will then be subject to ad valorem property taxes.)) The portion of the building rented to the pharmacy is subject to property tax.

(b) Fund-raising activities. The use of exempt property for fund-raising activities sponsored by an exempt organization, association, or corporation does not subject the property to taxation if the fund-raising activities are consistent with the purposes for which the exemption was granted. The term "fund raising" means any revenue-raising activity limited to

less than five days in length that disburses fifty-one percent or more of the profits realized from the activity to the exempt nonprofit organization, association, or corporation (~~that is~~) holding the fund raising event.

(i) Example 1. A nonprofit social service agency holds an art auction in the auditorium of its tax exempt facility to raise funds. (~~Since the fund-raising activity is being held on exempt property,~~) The activity must be less than five days in length and fifty-one percent of the profits must be disbursed to the social service agency because the fund-raising activity is being held on exempt property.

(ii) Example 2. A nonprofit school has a magazine subscription drive to raise funds (~~during which~~) and the subscriptions are being sold door-to-door by students. (~~Since the subscription drive is not being held on exempt property, the drive is not limited to less than five days and fifty-one percent of the profits from this fund-raising activity do not have to be remitted to the school.~~) There are no limitations on this fund-raising activity because the subscription drive is not being held on exempt property.

(c) Personal service contract - exempt programs. Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(i) The program is compatible and consistent with the purposes of the exempt organization, association, or corporation;

(ii) The exempt organization, association, or corporation maintains separate financial records as to all receipts and expenses related to the program; and

(iii) A summary of all receipts and expenses of the program (~~will be~~) are provided to the department of revenue upon request.

(iv) Example. A nonprofit school may decide to offer aerobic classes to promote general health and fitness. All brochures and bulletins (~~that advertise~~) advertising these classes must show that the school is sponsoring the classes. Under the terms of the contract between the nonprofit school and the aerobic instructor, an independent contractor, the instructor must provide the classes for a predetermined fee. All fees collected from the participants of the classes must be received by the school; the school, in turn, will absorb all costs related to the classes.

(d) Personal service contract - nonexempt programs. Programs provided under a personal service contract (i) that require the contractor to reimburse the nonprofit organization for program expenses or (ii) in which the instructor is paid a fee based on the number of people (~~that~~) who attend the program will be viewed as a rental agreement and will subject the property to (~~ad valorem~~) property tax.

(4) **Irrevocable dedication required.** The property must be irrevocably dedicated to the purpose for which the exemption was granted. Upon liquidation, dissolution, or abandonment by a nonprofit organization, association, or corporation, (~~said~~) the property shall not directly or indirectly benefit any shareholder or other individual except a nonprofit organization, association, or corporation that would be entitled to receive a property tax exemption if it applied for it.

Exception: If, under the terms of a loan or rental agreement, a nonprofit organization, association, or corporation receives the benefit of the property tax exemption, the property need not be

irrevocably dedicated if it is loaned or rented to a nonprofit organization, association, or corporation for use as:

(a) A nonprofit organization engaged in procuring, processing blood, plasma, or blood products (RCW 84.36.035);

(b) A nonprofit day care center (RCW 84.36.040);

~~((b))~~ (c) A library (RCW 84.36.040);

~~((e))~~ (d) An orphanage (RCW 84.36.040);

~~((d))~~ (e) A home for the sick or infirm (RCW 84.36.040);

~~((e))~~ (f) A hospital (RCW 84.36.040);

~~((f))~~ (g) An outpatient dialysis facility (RCW 84.36.040);

~~((g))~~ (h) A nonprofit home for the aging (RCW 84.36.041);

~~((h))~~ (i) A nonpermanent shelter to low-income homeless persons or victims of domestic violence (RCW 84.36.043); ~~(or~~

~~(i))~~ (j) A nonprofit organization conducting medical research or training of medical personnel (RCW 84.36.045);

(k) A nonprofit cancer clinic or center (RCW 84.36.046);

(l) A facility used to produce or perform musical, dance, artistic, dramatic, or literary works (RCW 84.36.060); or

(m) Residential housing occupied by low-income developmentally disabled persons (chapter 202, Laws of 1998).

(5) **No discrimination allowed.** The facilities located on and the services offered on the exempt property shall be available to all persons regardless of race, color, national origin, or ancestry.

(6) **Compliance with licensing or certification requirements.** (~~The~~) A nonprofit organization, association, or corporation seeking or receiving a property tax exemption shall comply with all applicable licensing and certification requirements (when a) imposed by law or regulation ((of the federal, state, or local government requires it)).

(7) **Property sold subject to an option to repurchase.** (~~If property is~~) Property sold to a nonprofit organization, association, or corporation subject to an option to repurchase by the seller (~~(, the property)~~) shall not qualify for (~~exempt status~~) an exemption.

(8) **Duty to produce financial records.** In order to determine whether an organization, association, or corporation is exempt under the provisions of chapter 84.36 RCW and before the exemption is renewed each year, the organization, association, or corporation claiming a property tax exemption (~~under chapter 84.36~~) shall file a signed statement, made under oath, with the department of revenue (~~on forms furnished by the director or his/her designee;~~) that its income (~~and~~), receipts, (~~including~~) and donations (~~;~~) have been (~~applied to the actual expenses of maintenance and operation~~) used to pay the actual expenses incurred to maintain and operate the exempt facility or for its capital expenditures and to no other purpose. This signed statement shall (~~also~~) include a statement (~~of~~) listing the receipts and disbursements of the organization, association, or corporation. This statement shall be made on a form prescribed and furnished by the department.

(a) The provisions of this subsection do not apply to an organization, association, or corporation either applying for or receiving an exemption under RCW 84.36.030.

(b) When an organization, association, or corporation ~~((has been granted exemption from ad valorem taxation))~~ is currently receiving a property tax exemption, this signed statement must be submitted on or before April 1 each year. If this statement is not received on or before April 1, the department shall remove the tax exemption from the property. However, the department shall allow a reasonable extension of time for filing if the ~~((tax))~~ exempt organization, association, or corporation has submitted a written request for ~~((this))~~ an extension on or before the required filing date and for good cause ~~((shown therein))~~.

(9) **Caretaker's residence.** If a nonprofit organization, association, or corporation exempt under chapter 84.36 RCW employs a caretaker to provide either security or maintenance services and a caretaker's residence is located on exempt property, the residence may qualify for exemption if the following conditions are met:

(a) The caretaker's duties include regular surveillance, patrolling ~~((of))~~ the exempt property, and routine maintenance services;

(b) The size of the residence is reasonable and appropriate in light of the caretaker's duties and the size of the exempt property; and

(c) The caretaker receives the use of the residence as part of his or her compensation and does not pay rent. Reimbursement of ~~((utilities))~~ utility expenses created by the caretaker's presence ~~((will))~~ are not ~~((be considered as))~~ rent.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-300 Public meeting hall—Public meeting place—Community meeting hall. (1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.037 for real and personal property owned by a nonprofit organization, association, or corporation and used exclusively as a public meeting hall, public meeting place, or community meeting hall.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or a corporation for pecuniary gain or to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.

(b) "Public gathering" means any social function that the general public could, if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to nonmembers. The term does not mean a meeting to which only members of a specific organization, association, or corporation are allowed to attend.

(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting principles to maintain and operate the loaned or rented portion of the exempt facility.

(d) "Owner" means a nonprofit organization, association, or corporation.

(e) "Property" means real or personal property owned by a nonprofit organization, association, or corporation.

(3) **Exemption.** Real and personal property owned by a nonprofit organization, association, or corporation and used exclusively as a public assembly hall, public meeting place, or community meeting hall shall be exempt from taxation under the following conditions:

(a) **Exclusive use.** The property is used exclusively for public gatherings and is available to any individual, organization, association, or corporation that may desire to use the property. ~~((However,))~~ Membership in a particular organization, association, or corporation shall not be ~~((a prerequisite))~~ required to use the property.

(b) **Exemption for real property - area.** The area of real property exempt under this section shall not exceed one acre. This area shall include the building(s), the land under the building(s), and any additional area needed for parking.

(c) **Statement of availability and fees required.** The owner of the property shall prepare and make available upon request a schedule of fees, a policy on the availability of the facility, and any restrictions on the use of the facility. The owner may impose any conditions or restrictions reasonably necessary to safeguard the property and to comply with the purposes of this exemption.

(d) **Annual summary required.** The owner shall provide the department of revenue with a detailed summary containing the following information regarding the ~~((use))~~ manner in which the exempt property was used during the preceding year ~~((of all property it claimed to be exempt under this section))~~:

(i) The name of any person, organization, association, or corporation that used the property;

(ii) The date(s) on which the property was used;

(iii) The purpose for which the property was used;

(iv) The income derived from the rental of the property; and

(v) The expenses incurred relating to the use of the property.

(e) **Entities that schedule regular meetings.** Any property owned by a nonprofit organization, association, or corporation that schedules regular meetings of its members or shareholders will also qualify for this exemption if:

(i) The owner meets the conditions set forth in (a) through (d) of this subsection;

(ii) The owner does not use the property more than twenty-five percent of the useable time; and

(iii) The facility is used an equal number or greater number of times for public gatherings than the number of times it is used by the owner for gatherings not open to the general public.

(f) **Loan or rental of property.** The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:

(i) Is reasonable; and

(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.

(g) **Property not included within this exemption.** Property that is used more than fifty percent of the time by a non-

profit organization, association, or corporation that allows only members to attend its activities does not qualify for this exemption.

(4) **Use of property for pecuniary gain or to promote business activities.** If a public meeting hall, public meeting place, or community meeting hall exempt under subsection (3) of this section is used for pecuniary gain or to promote business activities, the property tax exemption will be lost for the assessment year following the year in which the exempt property is so used. However, the exemption will not be lost if:

(a) The exempt property is used for pecuniary gain (~~not more than three~~) or to promote business activities seven days ((a)) or less in an assessment year; or

(b) In a county with less than ten thousand people, the exempt property is used to promote the following business activities: Dance lessons; art classes; or music lessons; or

(c) The exempt property is inadvertently used by an individual, organization, association, or a corporation for pecuniary gain or to promote business activities if the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property for pecuniary gain or to promote business activities is repeated within the same assessment year or within two or more successive assessment years.

(5) **Additional requirements.** Any organization, association, or corporation that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.037.

AMENDATORY SECTION (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

WAC 458-16-310 Community celebration facilities.

(1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.037 for real and personal property owned by a nonprofit organization, association, or corporation and used primarily for annual community celebration events.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Inadvertent use or inadvertently used" means any unintentional or accidental use of exempt property by an individual, organization, association, or corporation for pecuniary gain or to promote business activities through either carelessness, lack of attention, lack of knowledge, mistake, surprise, or neglect.

(b) "Public gathering" means any social function that the general public could, if invited, attend. For example, a public gathering includes, but is not limited to, a wedding, reception, funeral, reunion, or meeting of any organization, association, or corporation that is open to nonmembers. The term does not mean a meeting to which only members of a specific organization, association, or corporation are allowed to attend.

(c) "Maintenance and operation expenses" means items of expense allowed under generally accepted accounting

principles to maintain and operate the loaned or rented portion of the exempt facility.

(d) "Property" means real or personal property owned by a nonprofit organization, association, or corporation.

(3) **Exemption.** Real and personal property owned by a nonprofit organization, association, or corporation and used primarily for annual community celebration events shall be exempt from taxation under the following conditions:

(a) Exemption for real property - area. The area of real property to be exempt shall not exceed twenty-nine acres.

(b) Primary use. The property has been primarily used for annual community celebration events for at least ten years.

(c) Essentially unimproved property. The property is essentially unimproved except for restroom facilities and covered shelters. A "covered shelter," for example, may consist of a covered area that is unenclosed but allows some protection from the elements or it may provide a sheltered eating area with or without a picnic table or outside grill, or both.

(d) Purpose. The purpose of the property is to provide a facility for an annual community celebration.

(e) Statement of availability and fees required. The owner of the property shall prepare and make available upon request a schedule of fees, a policy on the availability of the facility, and any restrictions on the use of the facility. The owner may impose conditions and restrictions that are reasonably necessary to safeguard the property and to promote the purposes of this exemption.

(f) Annual summary required. The owner shall annually provide the department of revenue with a detailed summary containing the following information regarding the ((use)) manner in which the exempt property was used during the preceding year ((of all property it claimed to be exempt under this section)):

(i) The name of any person, organization, association, or corporation that used the property;

(ii) The date(s) on which the property was used;

(iii) The purpose for which the property was used;

(iv) The income derived from the rental of the property; and

(v) The expenses incurred relating to the use of the property.

(g) Loan or rental of property. The tax exempt status of the property will not be affected if it is loaned or rented and the amount of rent or donations collected for the use, loan, or rental of the exempt property:

(i) Is reasonable; and

(ii) Does not exceed the maintenance and operation expenses that are created by the corresponding use, loan, or rental.

(4) **Use of property for pecuniary gain or to promote business activities.** If a community celebration facility exempt under subsection (3) of this section is used for pecuniary gain or to promote business activities, the property tax exemption will be lost for the assessment year following the year in which the exempt property is so used. However, the exemption will not be lost if:

(a) The exempt property is used for pecuniary gain (~~not more than three~~) or to promote business activities seven days ((a)) or less in an assessment year; or

(b) In a county with less than ten thousand people, the exempt property is used to promote the following business activities: Dance lessons; art classes; or music lessons; or

(c) The exempt property is inadvertently used by an individual, organization, association, or a corporation for pecuniary gain or to promote business activities if the inadvertent use is not a pattern of use. A "pattern of use" is presumed when an inadvertent use of the property for pecuniary gain or to promote business activities is repeated within the same assessment year or within two or more successive assessment years.

(5) **Additional requirements.** Any organization, association, or corporation that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16-165. WAC 458-16-165 sets forth additional conditions and requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.037.

WSR 98-18-014
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed August 21, 1998, 4:23 p.m.]

Date of Adoption: August 21, 1998.

Purpose: Repeal chapter 82-36 WAC, WAC 82-36-010, 82-36-020, 82-36-030, 82-36-033, 82-36-035, 82-36-040, 82-36-050, 82-36-060, 82-36-070, 82-36-080, 82-36-090, 82-36-120, 82-36-130, 82-36-140, and 82-36-150.

Citation of Existing Rules Affected by this Order: Repealing chapter 82-36 WAC.

Adopted under preproposal statement of inquiry filed as WSR 98-14-016 on June 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 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.

August 21, 1998

Lynne McGuire

Rules Coordinator

WSR 98-18-015
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed August 21, 1998, 4:25 p.m.]

Date of Adoption: August 21, 1998.

Purpose: Repeal chapter 82-44 WAC, WAC 82-44-010, 82-44-020, 82-44-030, 82-44-040, 82-44-050, 82-44-060, 82-44-070, 82-44-080, and 82-44-090.

Citation of Existing Rules Affected by this Order: Repealing chapter 82-44 WAC.

Adopted under preproposal statement of inquiry filed as WSR 98-14-015 on June 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 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.

August 21, 1998

Lynne McGuire

Rules Coordinator

WSR 98-18-016
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed August 21, 1998, 4:29 p.m.]

Date of Adoption: August 21, 1998.

Purpose: Repeal chapter 82-40 WAC, WAC 82-40-010, 82-40-020, 82-40-030, 82-40-040, 82-40-050, 82-40-060, and 82-40-070.

Citation of Existing Rules Affected by this Order: Repealing chapter 82-40 WAC.

Adopted under preproposal statement of inquiry filed as WSR 98-14-017 on June 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 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

PERMANENT

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 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.

August 21, 1998
Lynne McGuire
Rules Coordinator

WSR 98-18-017
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed August 21, 1998, 4:32 p.m.]

Date of Adoption: August 21, 1998.

Purpose: Repeal chapter 82-24 WAC, WAC 82-24-010, 82-24-020, 82-24-030, 82-24-040, 82-24-050, 82-24-060, 82-24-070, 82-24-080, 82-24-090, 82-24-100, 82-24-110, 82-24-120, and 82-28-130.

Citation of Existing Rules Affected by this Order: Repealing chapter 82-24 WAC.

Adopted under preproposal statement of inquiry filed as WSR 98-14-066 on June 29, 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 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1998
Lynne McGuire
Rules Coordinator

WSR 98-18-018
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed August 21, 1998, 4:33 p.m.]

Date of Adoption: August 21, 1998.

Purpose: Repeal chapter 82-28 WAC, WAC 82-28-010, 82-28-020, 82-28-030, 82-28-040, 82-28-050, 82-28-060, 82-28-06001, 82-28-070, 82-28-080, 82-28-090, 82-28-100, 82-28-110, 82-28-120, 82-28-130, 82-28-135, 82-28-140, 82-28-150, 82-28-160, 82-28-170, 82-28-180, 82-28-190, 82-28-200, 82-28-210, 82-28-220, and 82-28-230.

Citation of Existing Rules Affected by this Order: Repealing chapter 82-28 WAC.

Adopted under preproposal statement of inquiry filed as WSR 98-14-065 on June 29, 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 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 21, 1998
Lynne McGuire
Rules Coordinator

WSR 98-18-031
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)

[Filed August 26, 1998, 10:52 a.m.]

Date of Adoption: August 26, 1998.

Purpose: Adopt notice filing procedures for investment companies and municipal securities pursuant to section 12, chapter 15, Laws of 1998, new chapter 460-18A WAC.

Statutory Authority for Adoption: RCW 21.20.450.

Other Authority: Section 12, chapter 15, Laws of 1998.

Adopted under notice filed as WSR 98-15-131 on July 22, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 5, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, 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 5, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 5, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 5, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1998

John L. Bley
Director

Chapter 460-18A WAC

NOTICE FILINGS FOR FEDERAL COVERED SECURITIES

NEW SECTION

WAC 460-18A-010 Filing requirements—Investment companies other than closed-end companies. The following provisions apply to investment companies other than closed-end companies, as those terms are defined by the Investment Company Act of 1940:

(1) Initial filing. An investment company, other than a closed-end company, making an initial notice filing pursuant to RCW 21.20.327 (1)(a) shall submit the following prior to the initial offer in this state:

(a) A completed Form NF or other document identifying the filing;

(b) A consent to service of process on Form U-2; and

(c) The filing fee prescribed by RCW 21.20.340 (2)(b). The initial notice filing is effective for twelve months.

(2) Renewal. An investment company, other than a closed-end company, complying with RCW 21.20.327 (1)(b) may renew the unsold portion of its initial notice filing for one additional twelve-month period by filing the following on or before the expiration of the initial notice filing:

(a) The renewal announcement provided by the division and/or a cover letter or other document requesting renewal;

(b) The renewal fee prescribed by RCW 21.20.340 (2)(b) to renew the unsold portion of securities for which a filing fee has previously been paid; and

(c) If the amount of securities subject to the notice filing is being increased, the fee prescribed by RCW 21.20.340 (2)(b) to cover the increase in the amount of securities to be offered.

(3) Renotification. An investment company, other than a closed-end company, complying with RCW 21.20.327 (1)(b) may continue its offering following the twelve-month renewal period specified in subsection (2) of this section by complying with subsection (1) of this section.

(4) Amendment. An investment company, other than a closed-end company, complying with RCW 21.20.327 (1)(b) may increase the amount of securities offered in this state by

submitting an amended Form NF or other document describing the transaction and a fee calculated pursuant to RCW 21.20.340 (2)(b) to cover the increase in the amount of securities being offered.

NEW SECTION

WAC 460-18A-020 Filing requirements—Closed-end investment companies. The following provisions apply to closed-end investment companies as that term is defined by the Investment Company Act of 1940:

(1) Initial filing. A closed-end investment company making an initial notice filing pursuant to RCW 21.20.327 (1)(a) shall file the following prior to the initial offer in this state:

(a) A completed Form NF or other document identifying the filing;

(b) A consent to service of process on Form U-2; and

(c) The filing fee prescribed by RCW 21.20.340 (3)(b). The initial notice filing is effective for twelve months.

(2) Renewal. For each additional twelve-month period in which the same offering is continued, a closed-end investment company complying with RCW 21.20.327 (1)(b) may renew the unsold portion of its notice filing by filing the following on or before the expiration of the notice filing:

(a) The renewal announcement provided by the division and/or a cover letter or other document requesting renewal;

(b) The renewal fee prescribed by RCW 21.20.340 (3)(b) to renew the unsold portion of securities for which a filing fee has previously been paid; and

(c) If the amount of securities subject to the notice filing is being increased, the fee prescribed by RCW 21.20.340 (3)(b) to cover the increase in the amount of securities to be offered.

(3) A closed-end investment company complying with RCW 21.20.327 (1)(b) may increase the amount of securities offered in this state by submitting an amended Form NF or other document describing the transaction and a fee calculated pursuant to RCW 21.20.340 (3)(b) to cover the increase in the amount of securities being offered.

NEW SECTION

WAC 460-18A-030 Filing requirements—Investment companies—Name changes. The name, address, or telephone number of the investment company, applicant, or contact person may be changed by submitting a revised Form NF and the fee required by RCW 21.20.340 (5)(a).

NEW SECTION

WAC 460-18A-040 Investment companies—Report of sales. An investment company complying with RCW 21.20.327 (1)(c) shall file a report of sales of Form NF, together with the fee required by RCW 21.20.340 (5)(b), within sixty days of the annual expiration of its notice filing.

NEW SECTION

WAC 460-18A-100 Filing requirements—Municipal securities. The following provisions apply to an issuer of a

covered security pursuant to sections 3(a)(2) and 18(b)(4)(C) of the Securities Act of 1933 and RCW 21.20.327(3), hereinafter referred to as a "municipal covered securities issuer":

(1) Initial notice filing. A municipal covered securities issuer making an initial filing shall submit the following prior to the initial offer in this state:

- (a) A completed municipal securities notice filing form or other document identifying the transaction;
- (b) A consent to service of process on Form U-2; and
- (c) The filing fee required by RCW 21.20.340 (1)(b).

Although not required, the issuer may wish to submit a copy of the official statement, or at least the first page, so that it is clear as to which offering the notification is being made. The initial notice filing is effective for one year.

(2) Renewal. A municipal covered securities issuer may renew the unsold portion of its initial notice filing for one additional twelve-month period by filing the following on or before the expiration of the initial notice filing:

- (a) The renewal announcement provided by the division and/or a cover letter or other document requesting renewal;
- (b) The renewal fee prescribed by RCW 21.20.340 (1)(b) to renew the unsold portion of securities for which a notice filing fee has previously been paid; and
- (c) If the amount of securities subject to the notice filing is being increased, the fee prescribed by RCW 21.20.340 (1)(b) to cover the increase in the amount of securities to be offered.

(3) Renotification. A municipal covered securities issuer may continue its offering following the twelve-month renewal period specified in subsection (2) of this section by complying with subsection (1) of this section.

(4) Amendment. A municipal covered securities issuer may increase the amount of securities offered in this state by submitting an amended municipal securities notice filing form or other document describing the transaction and a fee calculated pursuant to RCW 21.20.340 (1)(b) to cover the increase in the amount of securities being offered.

Note: Notice filing procedures for issuers of covered securities pursuant to sections 4(2) and 18(b)(4)(D) and rule 506 of the Securities Act of 1933 and RCW 21.20.327(2) may be found at WAC 460-44A-503.

WSR 98-18-032
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed August 26, 1998, 10:55 a.m.]

Date of Adoption: August 26, 1998.

Purpose: To amend WAC 460-44A-050 to address the scope of the term "issuer isolated transaction" in addition to the term "nonissuer isolated transaction" currently defined in the rule. Once amended, the rule will more completely explain the scope of the isolated transaction exemption of RCW 21.20.320(1) relating to both issuer as well as nonissuer transactions. Only nonissuer isolated transactions are currently addressed by the rule.

Citation of Existing Rules Affected by this Order: Amending WAC 460-44A-050.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 98-15-110 on July 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

Effective Date of Rule: Thirty-one days after filing.
 August 26, 1998
 John L. Bley
 Director

AMENDATORY SECTION (Amending Order SD-130-77, filed 11/23/77)

WAC 460-44A-050 Isolated (~~non~~issuer) transactions—Sales not involving a public offering. (~~A non~~issuer) (1) An "isolated transaction" within the meaning of RCW 21.20.320(1) includes:

((+)) (a) Subject to the limitation of (b) of this subsection, any sale of an outstanding security by or on behalf of a person not in control of the issuer or controlled by the issuer or under common control with the issuer and not involving a distribution(~~A transaction is presumed to be "isolated" if~~);

(b) Any sale satisfying the requirements of (a) of this subsection that is effected through a broker-dealer, provided that it is one of not more than three such transactions effected by or through the broker-dealer in this state during the prior twelve months;

((2)) (c) Any sale of an outstanding security by or on behalf of a person in control of the issuer or controlled by the issuer or under common control with the issuer if the sale is effected pursuant to:

(i) Brokers' transactions in accordance with section 4(4) of the Securities Act of 1933 and Rule 144 thereunder; or

(ii) Any other transaction not effected through a broker-dealer and not involving a distribution, if the sale, including any other sales of securities of the same class during the prior

PERMANENT

twelve months inside or outside this state by the person, does not exceed 1% of the outstanding shares or units of that class; or

(d) Any sale of a security by or on behalf of an issuer that is one of not more than three such transactions inside or outside this state during the prior twenty-four months.

An exemption provided by (a), (b), (c), or (d) of this subsection shall not be available for any offering made in a manner inconsistent with the limitations set forth in (a), (b), (c), or (d) of this subsection, respectively.

(2) "Sales not involving a public offering," within the meaning of RCW 21.20.320(1), is interpreted by the director in a manner consistent with section 4(2) of the federal Securities Act of 1933 and Securities and Exchange Commission Securities Act Release No. 4552.

Note: Pursuant to RCW 21.20.320(1), the director has promulgated a rule "establishing a nonpublic offering exemption" at WAC 460-44A-506.

WSR 98-18-033
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)

[Filed August 26, 1998, 10:58 a.m.]

Date of Adoption: August 26, 1998.

Purpose: To eliminate duplicated text of federal Securities and Exchange Commission Securities Act Release No. 5347 from the language of WAC 460-32A-400. The federal release will be incorporated by reference.

Citation of Existing Rules Affected by this Order: Amending WAC 460-32A-400.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 98-15-111 on July 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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: No rule may be made unless the director of the Department of Financial Institutions finds that the action is necessary or appropriate in the public interest or for the protection of investors and

consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1998

John L. Bley

Director

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-32A-400 Sales in condominiums or units in real estate development. The Washington Securities Act provides that its interpretation and administration be coordinated with related Federal regulations. In light of such policy and due to the relevance and importance of the Securities and Exchange Commission Securities Act Release No. 5347, the division of securities hereby adopts Securities and Exchange Commission Securities Act Release No. 5347 (~~which is hereinafter set forth in its entirety~~).

~~("The Securities and Exchange Commission called attention to the applicability of the federal securities laws to the offer and sale of condominium units, or other units in a real estate development, coupled with an offer or agreement to perform or arrange certain rental or other services for the purchaser. The Commission noted that such offerings may involve the offering of a security in the form of an investment contract or a participation in a profit sharing arrangement within the meaning of the Securities Act of 1933 and the Securities Exchange Act of 1934. Where this is the case any offering of any such securities must comply with the registration and prospectus delivery requirements of the Securities Act, unless an exemption therefrom is available, and must comply with the anti-fraud provisions of the Securities Act and the Securities Exchange Act and the regulations thereunder. In addition, persons engaged in the business of buying or selling investment contracts or participations in profit sharing agreements of this type as agents for others, or as principal for their own account, may be brokers or dealers [for a special exemption from the Washington Securities Act, see WAC 460-20A-235] within the meaning of the Securities Exchange Act, and therefore may be required to be registered as such with the Commission under the provisions of Section 15 of that Act.~~

The commission is aware that there is uncertainty about when offerings of condominiums and other types of similar units may be considered to be offerings of securities that should be registered pursuant to the Securities Act. The purpose of this release is to alert persons engaged in the business of building and selling condominiums and similar types of real estate developments to their responsibilities under the Securities Act and to provide guidelines for a determination of when an offering of condominiums or other units may be viewed as an offering of securities. Resort condominiums are one of the more common interests in real estate the offer of which may involve an offering of securities. However, other types of units that are part of a development or project present analogous questions under the federal securities laws. Although this release speaks in terms of condominiums, it applies to offerings of all types of units in real estate develop-

PERMANENT

ments which have characteristics similar to those described herein:

"The offer of real estate as such, without any collateral arrangements with the seller or others, does not involve the offer of a security [for certain land located outside the state of Washington this is not true, see RCW 21.20.005(12)]. When the real estate is offered in conjunction with certain services, a security, in the form of an investment contract, may be present. The Supreme Court in Securities and Exchange Commission V. W.J. Howey Co., 328 U.S. 293 (1946) set forth what has become a generally accepted definition of an investment contract.

"A contract, transaction or scheme whereby a person invests his money in a common enterprise and is led to expect profits solely from the efforts of the promoter or a third party, it being immaterial, whether the shares in the enterprise are evidenced by formal certificates or by nominal interests in the physical assets employed in the enterprise." (298)

"The Howey case involved the sale and operation of orange groves. The reasoning, however, is applicable to condominiums:

"As the Court noted in Howey, substance should not be disregarded for form, and the fundamental statutory policy of affording broad protection to investors should be heeded. Recent interpretations have indicated that the expected return need not be solely from the efforts of others, as the holding in Howey appears to indicate. For this reason, an investment contract may be present in situations where an investor is not wholly inactive, but even participates to a limited degree in the operations of the business. The 'profits' that the purchaser is led to expect may consist of revenues received from rental of the unit; these revenues and any tax benefits resulting from rental of the unit are the economic inducements held out to the purchaser.

"The existence of various kinds of collateral arrangements may cause an offering of condominium units to involve an offering of investment contracts or interests in a profit sharing agreement. The presence of such arrangements indicates that the offeror is offering an opportunity through which the purchaser may earn a return on his investment through the managerial efforts of the promoters or a third party in their operation of the enterprise:

"For example, some public offerings of condominium units involve rental pool arrangements. Typically, the rental pool is a device whereby the promoter or a third party undertakes to rent the unit on behalf of the actual owner during that period of time when the unit is not in use by the owner. The rents received and the expenses attributable to rental of all the units in the project are combined and the individual owner receives a ratable share of the rental proceeds regardless of whether his individual unit was actually rented. The offer of the unit together with the offer of an opportunity to participate in such a rental pool involves the offer of investment contracts which must be registered unless an exemption is available:

"Also, the condominium units may be offered with a contract or agreement that places restrictions, such as required use of an exclusive rental agent or limitations on the period of time the owner may occupy the unit, on the purchaser's occupancy or rental of the property purchased. Such

restrictions suggest that the purchaser is in fact investing in a business enterprise, the return from which will be substantially dependent on the success of the managerial efforts of other persons. In such cases, registration of the resulting investment contract would be required:

"In any situation where collateral arrangements are coupled with the offering of condominiums, whether or not specifically of the types discussed above, the manner of offering and economic inducements held out to the prospective purchaser play an important role in determining whether the offerings involve securities. In this connection see Securities and Exchange Commission V. C.M. Joiner Leasing Corp., 320 U.S. 344 (1943). In Joiner, the Supreme Court also noted that:

"In enforcement of [the Securities Act], it is not inappropriate that promoters' offerings be judged as being what they were represented to be." (353)

"In other words, condominiums, coupled with rental arrangements, will be deemed to be securities if they are offered and sold through advertising, sales literature, promotional schemes or oral representations which emphasize the economic benefits to purchaser to be derived from the managerial efforts of the promoter, or a third party designated or arranged for by the promoter, in renting units:

"In summary, the offering of condominium units in conjunction with any one of the following will cause the offering to be viewed as an offering of securities in the form of investment contracts:

"1. The condominiums, with any rental arrangement or other similar service, are offered and sold with emphasis on the economic benefits to the purchaser to be derived from the managerial efforts of the promoter, or a third party designated or arranged for by the promoter, from rental of units."

"2. The offering of participation in a rental pool arrangement; and

"3. The offering of a rental or similar arrangement whereby the purchaser must hold his unit available for rental for any part of the year, must use an exclusive rental agent or is otherwise materially restricted in his occupancy or rental of his unit.

"In all of the above situations, investors protection requires the application of the federal securities laws.

"If the condominiums are not offered and sold with emphasis on the economic benefits to the purchaser to be derived from the managerial efforts of others, and assuming that no plan to avoid the registration requirements of the Securities Act is involved, an owner of a condominium unit may, after purchasing his unit, enter into a nonpooled rental arrangement with an agent not designated or required to be used as a condition to the purchase, whether or not such agent is affiliated with the offeror, without causing a sale of a security to be involved in the sale of the unit. Further, a continuing affiliation between the developers or promoters of a project and the project by reason of maintenance arrangements does not make the unit a security.

"In situations where commercial facilities are a part of the common elements of a residential project, no registration would be required under the investment contract theory where (a) the income from such facilities is used only to offset common area expenses and (b) the operation of such facil-

ities is incidental to the project as a whole and are not established as a primary income source for the individual owners of a condominium or cooperative unit.

"The Commission recognizes the need for a degree of certainty in the real estate offering area and believes that the above guidelines will be helpful in assisting persons to comply with the securities laws. It is difficult, however, to anticipate the variety of arrangements that may accompany the offering of condominium projects. The Commission, therefore, would like to remind those engaged in the offering of condominiums or other interests in real estate with similar features that there may be situations, not referred to in this release, in which the offering of the interests constitutes an offering of securities. Whether an offering of securities is involved necessarily depends on the facts and circumstances of each particular case. The staff of the Commission will be available to respond to written inquiries on such matters. [Request for interpretative opinions from the Washington Securities Division should follow the procedure set out in WAC 460-16A-020.]"

WSR 98-18-034

PERMANENT RULES

SECRETARY OF STATE

[Filed August 26, 1998, 11:32 a.m.]

Date of Adoption: August 25, 1998.

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.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-120-315, 434-120-317, 434-120-335, 434-120-340, and 434-120-350; and amending WAC 434-120-300, 434-120-305, 434-120-310, and 434-120-320.

Statutory Authority for Adoption: RCW 11.110.051, 11.110.060, 11.110.070.

Adopted under notice filed as WSR 98-13-098 on June 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 4, Repealed 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
August 26, 1998
Tracy Guerin
Deputy 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 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.~~

~~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 98-18-036

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed August 27, 1998, 11:23 a.m.]

Date of Adoption: August 27, 1998.

Purpose: The content of WAC 296-150M-0720 Water heater relief lines, is now contained in WAC 296-150M-0610 (1)(h) and therefore is redundant. WAC 296-150M-0720 should have been repealed when new factory assembled structures rules were adopted on June 30, 1998, but was missed. Consequently, the department has used the expedited repeal process to remove this unnecessary section from the code.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-150M-0720 Water heater relief lines.

Statutory Authority for Adoption: Chapter 43.22 RCW and Executive Order 97-02.

Other Authority: Chapter 34.05 RCW.

Adopted under preproposal statement of inquiry filed as WSR 98-14-077 on June 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

PERMANENT

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.

August 21, 1998

Gary Moore

Director

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 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 9, 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 9, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 26, 1998

Marie Myerchin-Redifer, Manager

Rules and Policies Assistance Unit

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-150M-0720 Water heater relief lines.

WSR 98-18-037

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed August 27, 1998, 1:01 p.m.]

Date of Adoption: August 26, 1998.

Purpose: To comply with legislation that provides the Department of Social and Health Services with statute authority to deny a contract, or deny or terminate payment to an in-home provider who has a disqualifying crime, and to deny a contract or payment to a person who has a finding of abuse, neglect, exploitation, or abandonment of a minor or vulnerable adult.

It divides the information into easy-to-use sections using clear rule writing techniques.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-196.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 43.43.842, 74.39A.050, 43.20A.710.

Other Authority: 42 C.F.R. 1002.210, 42 C.F.R. 431.51. Adopted under notice filed as WSR 98-14-062 on June 29, 1998.

Changes Other than Editing from Proposed to Adopted Version: "In-home providers" replaces "individual provider" in the text whenever the content applies to both agency providers and individual providers. The differences in requirements are delineated. Instead of referencing the individual provider handbook, language has been added to the rules. The originally proposed WAC 388-15-19630 is redundant and has been deleted.

AMENDATORY SECTION (Amending WSR 97-16-106, filed 8/6/97, effective 9/6/97)

~~WAC 388-15-196 ((Home and community services—Minimum qualifications for care)) In-home providers ((in home and community settings)). ((To protect the health and welfare of a long-term care service client receiving an AASA administered service, the adult client's care provider shall:~~

- ~~(1) Be eighteen years of age or older;~~
- ~~(2) Complete and submit a criminal history background inquiry form prescribed by the department;~~
- ~~(3) Possess the following minimum standards of knowledge and experience:~~
 - ~~(a) General knowledge of acceptable standards of performance, including the necessity to perform dependably, report punctually, maintain flexibility, and to demonstrate kindness and caring to the client;~~
 - ~~(b) Knowledge of when and how to contact the client's representative and the client's case manager;~~
- ~~(4) Have the following required skills:~~
 - ~~(a) Adequate skills to read, either directly or through an interpreter, understand and implement the client's service plan;~~
 - ~~(b) Adequate communication skills to convey and understand either directly or through an interpreter information required to implement the client's written service plan and verbal instructions;~~
 - ~~(c) Adequate skills to maintain provider records of services performed and payments received;~~
- ~~(5) Be able to:~~
 - ~~(a) Understand specific directions for providing the care which the individual client requires;~~
 - ~~(b) Observe the client for change in health status, including weakness, confusion, and loss of appetite;~~
 - ~~(c) Identify problem situations and take appropriate action;~~
 - ~~(d) Respond to emergencies without direct supervision;~~

(e) Perform authorized housework functions competently;

(f) Perform authorized direct personal care functions competently;

(g) Accept the client's individual differences and preferences when performing routine tasks; and

(h) Work independently and perform responsibly within the boundaries of the nonmedical personal care task limits.

(6)(a) Complete the department's fundamentals of caregiving training according to the following schedule:

(i) All in-home personal care providers hired on or after the effective date of this section shall successfully complete the department designated fundamentals of caregiving training within one hundred twenty days of employment, unless he or she meets the requirements under (iii) or (iv) of this subsection or in subsection (6)(e) or (6)(f);

(ii) All in-home care providers hired prior to November 1, 1996 shall successfully complete the department designated fundamentals of caregiving training prior to October 31, 1997, unless he or she meets the requirements under (iii) or (iv) of this subsection or in subsection (6)(e) or (6)(f);

(iii) Natural, step, or adoptive parents hired as personal care providers for their division of developmental disabilities (DDD) adult children prior to the effective date of this section, will have until September 1, 1998 to complete the caregiving training;

(iv) Natural, step, or adoptive parents hired as personal care providers for their own adult children on or after the effective date of this section will have one hundred eighty days to complete the training requirements.

(b) Complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving unless he or she is a parent hired as a personal care provider for their own DDD adult child:

(i) Topics include, but are not limited to:

(A) Residents' rights;

(B) Personal care (such as transfers or skin care);

(C) Dementia;

(D) Mental illness;

(E) Developmental disabilities;

(F) Depression;

(G) Medication assistance;

(H) Communication skills;

(I) Alternatives to restraints; and

(J) Activities for clients.

(ii) Parent providers of their own DDD adult children are exempt from continuing education requirements;

(iii) Other caregivers are required to earn a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iv) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(e) The following providers are exempt from the fundamentals of caregiving training requirement in subsection (6)(a) of this section if the provider successfully completes the department designated modified fundamentals of caregiving

training in accordance with the dates specified in subsection (6)(a) of this section.

(i) A provider who has successfully completed training as a registered or licensed practical nurse, a physical or occupational therapist, a certified nursing assistant, a Medicare-certified home health aide, or who has successfully completed department approved adult family home training, or department approved personal care training from an area agency on aging or their subcontractor.

(ii) A provider who has successfully completed the DDD staff training as required by chapter 275-26 WAC is exempt from the fundamentals of caregiving training in subsection (6)(a) of this section as long as the provider continues to work for a DDD contracted agency. This exemption no longer applies if the provider leaves the DDD contracted agency.

(iii) Parent hired as a personal care provider for their own DD adult child. This exemption no longer applies if the parent provides services to anyone who is not their own adult child.

(d) The provider shall provide documentation upon request that the provider has met the education and training requirements.

(e) The department shall not continue to authorize reimbursement for services rendered by a care provider who does not meet the educational requirement in subsection (6) of this section.

(f) All in-home personal care providers are exempt from attending the "fundamentals of caregiving" or "modified fundamentals of caregiving" training if they successfully pass the department's challenge test for the class they are required to take. The provider only has one opportunity to successfully pass the challenge test. If the provider does not pass the challenge test then he/she must attend the "fundamentals of caregiving" or "modified fundamentals of caregiving" training as required.) The intent of WAC 388-15-196 through 388-15-19680 is to describe the:

(1) Qualifications of an individual provider (IP), defined in WAC 388-15-202 (25) and (26);

(2) Qualifications of an in-home provider employed by a home care agency, defined in WAC 388-15-202(2);

(3) Conditions under which the department will pay an in-home provider; and

(4) Conditions under which the department may deny a contract or terminate payment to an in-home provider.

NEW SECTION

WAC 388-15-19600 How do I apply to be an in-home provider of an adult client? A person who wants to be an in-home provider must:

- (1) Contact the client's social worker or case manager; or
- (2) Be employed by a home care agency.

NEW SECTION

WAC 388-15-19610 What requirements must an adult client's in-home provider meet? An in-home provider of an adult must:

- (1) Meet the requirements of chapter 246-336 WAC, if employed by a home care agency;

(2) Meet the following requirements, if employed by the client as an individual provider:

- (a) Be eighteen years of age or older;
- (b) Not be the spouse of the client receiving services, unless the client is on the chore personal care program or the parent of a child age seventeen or younger;
- (c) Have no conviction for a disqualifying crime, as listed in RCW 43.43.830 and RCW 43.43.842;
- (d) Have no findings of fact or conclusions of law or agreed orders related to abuse, neglect, financial exploitation or abandonment of a minor or vulnerable adult, as defined in RCW 74.39A.050(8);
- (e) Have not had a license or a contract for the care of children or vulnerable adults denied, suspended, or revoked, or terminated; for noncompliance with state and federal regulations;
- (f) Have read and understand the client's service plan, translated or interpreted, as necessary, for the client and/or IP; and
- (g) Provide the services, as outlined in the client's service plan within the scope of practice in WAC 388-15-203.

NEW SECTION

WAC 388-15-19620 How do I get paid as an individual provider? In order to be paid by the department, an individual provider must:

- (1) Be hired by a client/legal guardian;
- (2) Provide the social worker or case manager with a Social Security card and picture identification;
- (3) Complete and submit to the social worker or case manager the department's criminal conviction background inquiry application;
- (4) Sign a home and community-based service provider contract/agreement to provide services to a COPEs or Medicaid personal care client, or other department contract or agreement; and
- (5) Meet the conditions in WAC 388-15-19610(2).

NEW SECTION

WAC 388-15-19630 Under what conditions will the department deny payment to an in-home provider? The department will deny payment when an in-home provider:

- (1) Does not meet the conditions of the contract;
- (2) Has been terminated by the department for cause;
- (3) Does not successfully complete the training requirements within the time limits in WAC 388-15-19650 through 388-15-19680;
- (4) Demonstrates an unwillingness or inability to provide care following mandatory training or other training provided by the client's social worker/case manager or through the nurse expertise service; or
- (5) Does not meet the conditions as stated in WAC 388-15-19610 and 388-15-19620.

NEW SECTION

WAC 388-15-19640 Does the in-home provider have responsibilities in addition to the service plan? In addition

to providing services as outlined on the client's service plan, the in-home provider must:

- (1) Accommodate client's individual preferences and differences in providing care;
- (2) Contact the client's representative and case manager when there are changes which affect the personal care and other tasks listed on the service plan;
- (3) Observe the client for change(s) in health, and respond to emergencies;
- (4) Notify the case manager immediately when the client enters a hospital, an adult family home, an adult residential care facility, an enhanced adult residential care facility, an assisted living facility, or a nursing facility; and
- (5) Notify the case manager immediately if the client dies.

NEW SECTION

WAC 388-15-19650 What are the educational requirements for an in-home provider? To meet the educational requirements, an in-home provider must:

- (1) Possess a certificate of successfully completing department-designated fundamentals of caregiving training within one hundred and twenty days after beginning employment;
- (2) Complete a minimum of ten hours of continuing education credits each calendar year following the year in which the fundamentals of caregiving training is taken. One hour of completed instruction equals one hour of credit on topics that pertain to services provided in an in-home setting including, but not limited to:
 - (a) Client's rights;
 - (b) Personal care (such as transfers or skin care);
 - (c) Dementia;
 - (d) Mental illness;
 - (e) Depression;
 - (f) Medication assistance;
 - (g) Communication skills;
 - (h) Alternatives to restraints;
 - (i) Activities for clients; and
- (3) Provide the department with proof of completion of continuing education credits.

NEW SECTION

WAC 388-15-19660 Do all in-home providers have to take the fundamentals of caregiving training? An IP can do the following instead of taking the fundamentals of caregiving:

- (1) Pass the department's challenge test for the required class. This test can be taken once only. An IP contacts the AAA designated trainer to request the test; or
- (2) Complete the department designated modified fundamentals of caregiving training and be a:
 - (a) Registered or licensed practical nurse;
 - (b) Physical or occupational therapist;
 - (c) Certified nursing assistant; or
 - (d) Medicare-certified home health aide; or

(3) Complete the division of developmental disabilities' (DDD) staff training required by chapter 275-26 WAC and continue to work for a DDD-contracted agency.

NEW SECTION

WAC 388-15-19670 Are there special rules about training for parents who are the in-home providers of division of developmental disabilities (DDD) adult children? Natural, step, or adoptive parents of adult DDD children:

(1) Must possess a certificate of successfully completing a six-hour DDD-approved training or a specially designed department-approved training within one hundred eighty days after beginning employment;

(2) Are exempt from continuing education requirements; and

(3) Are exempt from the fundamentals of caregiving training if they provide care only for their own adult DDD child.

NEW SECTION

WAC 388-15-19680 Are there special rules about training for parents who are the in-home providers of non-DDD adult children? Natural, step, or adoptive parents of adult non-DDD children must:

(1) Possess a certificate of successfully completing the fundamentals of caregiving training within one hundred eighty days after beginning employment; or

(2) Pass the department's challenge test; and

(3) Complete and provide proof of ten hours of continuing education credits as required under WAC 388-15-19650 (2) and (3).

WSR 98-18-042

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed August 28, 1998, 11:34 a.m., effective October 1, 1998]

Date of Adoption: August 28, 1998.

Purpose: Agency proposes to revise general reporting rules, classification plan, and corresponding base insurance rate tables applicable to chapter 296-17 WAC for workers' compensation insurance as underwritten by the Department of Labor and Industries. The agency also proposes to repeal two claim process rules applicable to chapter 296-14 WAC for workers' compensation insurance.

Citation of Existing Rules Affected by this Order: Amending chapters 296-17 and 296-14 WAC.

Statutory Authority for Adoption: RCW 51.16.035.

Adopted under notice filed as WSR 98-12-079 on June 2, 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 35, Amended 311, Repealed 26.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 7, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 35, Amended 311, Repealed 26.

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 35, Amended 318, Repealed 29.

Effective Date of Rule: October 1, 1998.

August 28, 1998

Gary Moore

Director

Chapter 296-17 WAC

~~((MANUAL OF))~~ GENERAL REPORTING RULES, CLASSIFICATIONS, AUDIT AND RECORDKEEPING, RATES((g)) AND RATING SYSTEM FOR WASHINGTON WORKERS' COMPENSATION INSURANCE

NEW SECTION

WAC 296-17-31001 Introduction. WAC 296-17-31001 through 296-17-31029 provides rules applicable to workers' compensation insurance coverage (industrial insurance) that employers in the state of Washington must provide for their workers. We refer to these rules (WACs) as sections and the complete body of information as the *workers' compensation underwriting manual*. The workers' compensation underwriting manual contains sections (WACs) that define or explain:

- Words and phrases which we use
- Who the workers' compensation system applies to
- How to obtain workers' compensation coverage
- Why a classification system is necessary
- How our classification plan is designed
- How our classification approach compares to other states
- How we assign classifications to your business
- How we classify your business if a specific classification treatment is not referenced in our classification plan
- How employers report and pay premiums to us
- How we compute base rates
- Audit and recordkeeping requirements
- Experience rating plan
- Base rate tables.

NEW SECTION

WAC 296-17-31002 General rule definitions. In developing the general reporting rules and classifications which govern Washington's workers' compensation classifi-

cation plan, we have used certain words or phrases which could have several meanings. Many of these words or phrases are defined by law in the Revised Code of Washington (*Title 51 RCW*) and can be found in **Appendix A** of this manual. Some words, however, are not defined by law. To reduce the misunderstanding which can result by our use of certain words or phrases not defined in law (*Title 51 RCW*), we have developed definitions which will govern what these words and phrases mean for purposes of this chapter (*chapter 296-17 WAC*).

The following words or phrases mean:

Account: A unique numerical reference that we assign to you that identifies your business or businesses and allows us to track exposure that you report to us and losses (*claims*) which we pay on your behalf.

Actual hours worked: A worker's composite work period during each work day, including all of the time the employee performed work, *and* all periods of mandatory presence at the worksite. Actual hours worked *does not* include nonpaid lunch periods. The following example is provided to illustrate how work hours are to be reported. If you have questions on reporting please contact our underwriting section at (360) 902-4817.

Example: *A carpet installer arrives at the employer's place of business at 8:00 a.m. to pick up supplies, carpet, and the job assignment. The carpet installer arrives at the job site at 9:00 a.m. and works until 12 noon. The installer takes a half hour nonpaid lunch period and resumes working from 12:30 p.m. until 4:00 p.m. The installer then returns to the employer's premise to drop off supplies and carpet waste. The installer leaves the employer's premise at 5:30 p.m. The employer is to report nine hours of work time regardless of whether the employee is paid by the hour or by the number of yards of carpet installed.*

All: When a classification contains a descriptive phrase beginning with "all" such as in "all employees," "all other employees," "all operations," or "all work to completion," it includes all operations and employments which are normally associated with the type of business covered by the classification. This condition applies even if the operations or employments are physically separated or conducted at a separate location. Operations or employments are to be classified separately when the classification wording requires it, or when the operations or employments are not incidental to, and not usually associated with, the business described by the classification.

And: When this word is contained in any rule it is to be considered the same as the phrase "and/or."

Basic classification: A grouping of businesses or industries having common or similar exposure to loss without regard to the separate employments, occupations or operations which are normally associated with the business or industry. Basic classifications describe a specific type of business operation or industry such as mechanical logging, sawmills, aircraft manufacturing, or restaurants. In most business operations some workers are exposed to very little hazard, while others are exposed to greater hazard. Since a basic classification reflects the liability (*exposure to hazard*) of a given business or industry, all the operations and occupations that are common to an industry are blended together and

included in the classification. The rate for a basic classification represents the average of the hazards within the classification. All classifications contained in this manual are considered basic classifications with the exception of classifications 4806, 4900, 4904, 5206, 6301, 6302, 6303, 7101, and temporary help classifications 7104 through 7121. Classification descriptions contained in WAC 296-17-501 through 296-17-779, establish the intended purpose or scope of each classification. These descriptions will routinely include types of businesses, operations, processes or employments which are either included or excluded from the classification. These references are not to be considered an all inclusive listing unless the classification wording so specifies.

But not limited to: When this phrase is used in any rule in this manual it is not to be interpreted as an all inclusive list. Such a list is meant to provide examples of operations, employments, processes, equipment or types of businesses which are either included or excluded from the scope of the classification.

Excludes or excluding: When a classification contains a descriptive phrase beginning with "excludes" or "excluding" such as "excluding drivers or delivery," "excluding second hand appliance stores," or "excludes construction operations," you must report those operations in a separate classification. If a business fails to keep the records required in the auditing recordkeeping section of this manual and we discover this, we will assign all workers hours for which records were not maintained to the highest rated classification applicable to the work which was performed.

Exposure: Worker hours, worker days, licenses, material, payroll or other measurement which we use to determine the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

Governing classification: Is the basic classification assigned to a business that produces the largest number of worker hours during a calendar year (*twelve months*). The governing classification rule applies only to situations where a business has been assigned two or more basic classifications and is used for the sole purpose of determining what classification applies to employees and covered owners who support two or more operations. The governing classification rule is not to be used to determine the basic classification of a business.

Includes or including: When a classification contains a descriptive phrase beginning with "includes" or "including" such as "including clerical office," "including meter readers," or "includes new construction or extension of lines," you must report these operations in that basic classification even though they may be specifically described by some other classification contained in this manual or may be conducted at a separate location.

Industrial insurance: Refer to the definition of "workers' compensation insurance."

N.O.C.: This abbreviation stands for not otherwise classified. Classifications are often worded in this way when there are many variations of the same general type of business and it would be nearly impossible to list all the variations. Before a classification designated with N.O.C. is used,

all other related classifications must be reviewed to determine if the business or industry is specified in another classification.

Example: You operate a retail store that sells greeting cards. In our search to classify your business we come across a classification that covers retail stores N.O.C. Before our underwriter assigns this classification to your business, they would look at other retail store classifications to see if a more precise classification could be found. In our review we note several classifications such as grocery and department stores where greeting cards are sold. None of these classifications, however, specify that they include stores that exclusively sell greeting cards. Classification 6406 "Retail stores, N.O.C.," on the other hand, contains language in its description that states it includes stores that sell items such as greeting cards, table top appliances, tropical fish and birds, and quick print shops. We would assign classification 6406 "Retail stores, N.O.C." to your business.

Or: Refer to the definition of the word "and."

Policy manager: An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. A policy manager is also referred to as an underwriter.

Premium: The total amount of money owed to the department of labor and industries as calculated by multiplying the assigned classification composite rate by the total units of exposure.

Rate: The amount of premium due for each unit of exposure. All rates are composite rates per worker hour except as otherwise provided for by other rules in this manual.

Risk: All insured operations of one employer within the state of Washington.

Temporary help: The term "temporary help" means the same as temporary service contractors defined in (Title 19 RCW) and applies to any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

Underwriter: Refer to the definition of a "policy manager."

Work day: Any consecutive twenty-four hour period.

Work hour: Refer to the definition of "actual hours worked."

Workers' compensation insurance: The obligation imposed on an employer by the industrial insurance laws (Title 51 RCW) of the state of Washington to insure the payment of benefits prescribed by such laws.

NEW SECTION

WAC 296-17-31003 No-fault insurance. What is a workers' compensation insurance program? Workers' compensation insurance is a no-fault insurance program that eliminates blame to either party for workplace injuries or illnesses. The principle features include:

- Wage and medical benefits to employees who suffer on-the-job injuries or illnesses; and

- Immunity from lawsuits for employers as a result of workplace injuries or illnesses suffered by their employees.

NEW SECTION

WAC 296-17-31004 Coverage requirements. I own a business. Am I required to have workers' compensation insurance coverage for my employees? Nearly every employer doing business in the state of Washington is required to have workers' compensation insurance for their employees. Washington law (RCW 51.12.020) does exempt certain types of employment from coverage. A copy of this law can be found in **Appendix A** of the workers' compensation manual. If you employ only individuals who are excluded from mandatory workers' compensation insurance coverage, you are not required to have workers' compensation insurance coverage.

NEW SECTION

WAC 296-17-31005 Employer/employee relationship. How do I determine if I am an employer? Chances are that if you employ one or more individuals to work for you, you are probably an employer. RCW 51.08.070, 51.08.180 and 51.08.195 all define the employer/employee relationship. These laws present the conditions that must exist before an exception or an independent contractor status can be recognized. Copies of these laws can be found in **Appendix A** of the workers' compensation underwriting manual. You may call one of our offices and a representative will help you determine if you are an employer. We are listed in the government pages of your local telephone directory, or you can call our underwriting section at (360) 902-4817 for assistance.

NEW SECTION

WAC 296-17-31006 Application process. (1) Where can I buy workers' compensation insurance? Washington law requires that you:

- Purchase your workers' compensation insurance through labor and industries; or
- Be certified as a self-insured employer by the self insurance section of the department of labor and industries.

Employers engaged exclusively in interstate or foreign commerce are permitted to purchase workers' compensation insurance from a private carrier in another state if they do business in that state. The workers' compensation laws of the other state must allow the Washington drivers to be covered in that state. You will need to complete a *master application* to obtain workers' compensation insurance from us. For more information on self insurance you can call (360) 902-6867 and one of our self insurance representatives will assist you.

(2) Where can I get a master application?

You can get a master application from any labor and industries, employment security, department of revenue office, the department of licensing master license service, or the corporations division of the office of the secretary of

state. For your convenience you can call us at (360) 902-4817 and we will mail you one.

(3) Where do I send my completed master application?

You can mail your completed master application to the department of licensing address shown on the form, or you can return it to your local labor and industries, department of revenue, or employment security district tax office. Be sure to include the appropriate fees indicated on the form.

NEW SECTION

WAC 296-17-31007 Owner coverage. (1) As a business owner, can I buy workers' compensation insurance to cover myself?

Yes, as a business owner or corporate officer you can obtain workers' compensation coverage from us. We refer to this coverage as optional coverage since as the owner/corporate officer, you are not required to have this insurance. Because owner insurance coverage is optional, you must meet certain conditions and requirements which are detailed on the *application for owner/corporate officer optional coverage*. These requirements include:

- Completing an application for optional owner/corporate officer coverage;
- Reporting owner/corporate officer hours in the classification assigned to your business that is applicable to the work being performed by the owner/officer;
- Submitting a supplemental report which lists the name of each covered owner/corporate officer; and
- Reporting four hundred eighty hours or actual hours worked each quarter for each covered owner/corporate officer and in the applicable workers' compensation classification code.

(2) When will my owner/corporate officer coverage become effective?

Your coverage will become effective immediately after the filing date we receive your application unless you indicate a future date. We will not make coverage effective on the same date or a date prior to our receipt of your completed application for owner/corporate officer coverage.

(3) Where can I obtain an application for owner/corporate officer coverage?

To obtain a copy of this application, contact your local labor and industries office. We are listed in the government pages of your local directory or you can call our underwriting section at (360) 902-4817.

NEW SECTION

WAC 296-17-31008 Notification requirements. (1) Will you notify me when you have opened my workers' compensation insurance account?

Yes, we will notify you when we have opened your workers' compensation insurance account.

(2) Will you contact me if you need additional information about my business?

Yes, we will contact you if we need additional information to classify your business or establish your workers' compensation insurance account.

(3) Will you provide me with instructions on how to report and pay premiums to you?

Yes, we will send you a written notice describing the classification or classifications we have assigned to your business and how to report the worker hours or other exposure of your employees to us. You will receive a rate notice which will detail information about your premium rate and what portions of the rate you may deduct from your employees wages. You should keep these notices with your business records. A copy of a rate notice can be found in **Appendix B** of this manual.

(4) Will you notify me if you are going to change a classification assigned to my business?

Yes, if we need to change the classifications assigned to your business, we will send you a written notice describing the new classifications and when they become effective.

(5) How do I notify my employees that they are covered by workers' compensation insurance?

We will send you a certificate of coverage and a packet of information when we open your account. The packet will include some special notices which you are required to post in areas where employees frequently gather. Areas where you might consider posting the special notices include employee break rooms, employee bulletin boards, or areas where time cards are kept. These notices will inform your employees that they are covered for workers' compensation insurance under the Washington state fund and will tell them what they must do if they suffer a workplace injury or illness. The certificate of coverage should be posted in a place visible to the public. This certificate provides confirmation that you have obtained workers' compensation insurance coverage for your employees.

NEW SECTION

WAC 296-17-31009 Reciprocal agreements. (1) Occasionally one of my Washington employees will do some work for me in another state. Do I need to buy workers' compensation insurance in the state where they are working?

In some cases, we can provide workers' compensation insurance coverage for your Washington based employees working for you on a temporary assignment in another state. We have formal written agreements with some states which detail coverage and jurisdiction issues. We refer to these formal agreements as "*reciprocal agreements*." If you have questions regarding temporary coverage in another state you should contact your policy manager for assistance. The name and telephone number of your policy manager can be found on your quarterly premium report or annual rate notice. For your convenience you can call us at (360) 902-4817 for assistance and we will put you in contact with your assigned policy manager.

(2) What is a reciprocal agreement?

A reciprocal agreement is a contract between the department of labor and industries acting on behalf of the state of

Washington and another state. The primary purpose of the agreement is to identify which state will be responsible for paying benefits if one of your employees is injured. This also limits your insurance costs. If you employ only Washington workers you need to buy workers' compensation insurance only from us.

(3) You mentioned that there are circumstances when you can provide insurance coverage. What are the circumstances?

The actual circumstances will vary by state. In most cases we will look at:

- The work to be performed,
- The location where the work is to be performed,
- Where the employee was first hired to work,
- How long the employee will be working in the other state.

(4) Which states have reciprocal agreements with Washington? We currently have reciprocal agreements with the following states:

- Idaho
- Montana
- Nevada
- North Dakota
- Oregon
- South Dakota
- Wyoming.

(5) Can I get a copy of a reciprocal agreement? You can get a copy of a reciprocal agreement by calling your policy manager. The name and telephone number of your policy manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

NEW SECTION

WAC 296-17-31010 Premium cost. How much will I pay for workers' compensation insurance? What you pay for workers' compensation insurance will vary by:

- The nature of the business you are conducting,
- The specific classifications applicable to your business,
- The unit of exposure applicable to your industry, and
- Your company's experience factor.

You may call our underwriting section at (360) 902-4817 and one of our representatives will help you estimate your premium cost per hour.

NEW SECTION

WAC 296-17-31011 Classification system and plan.

(1) What is a workers' compensation classification system?

A workers' compensation classification system is an objective method of collecting money (*premiums*) to pay the benefits of workers injured on the job. We believe the method used to spread this cost among the employers we insure should be fair and have some relationship to their hazard and potential for loss. Classifications are the tool used to achieve a fair method of distributing the risk among employers we insure. Objective boundaries are established for each

classification. These boundaries describe the types of businesses which are included in the classification, as well as the operations and employments routinely encountered. We refer to these objective boundaries as the scope of the classification. Once these boundaries have been defined, we can begin collecting information about the employers assigned to each classification. The information includes the exposure which is being covered (*risk*) and the losses (*claims*) which are related to these businesses. Next, we use this information to establish premium rates that employers in each industry will pay for their workers' compensation insurance. Our goal is to produce fair insurance rates which reflect the hazardous nature of each industry. We have tailored our classification system in Washington to reflect industries found in our state. This makes our system responsive to change and provides rate payer equity to the employers we insure. Employers engaged in more hazardous industries such as logging will pay higher insurance rates than employers engaged in less hazardous businesses such as retail store operations.

(2) Why is a classification system needed?

We need a classification system to provide fair premium rates. Washington law (*RCW 51.16.035*) also requires us to have a classification system.

(3) Is the classification system the same as the classification plan?

No, we refer to the body of rules (*WACs*) which establish the general parameters of how classifications are to be used as the "classification system." These rules speak to the requirements of workers' compensation insurance and to our general classification approach, such as classifying by nature of business, not by occupation of worker. The "classification plan" refers to all of the various classification descriptions which describe different types of business or industry. The classification system rules (*general rules*) will apply to all businesses unless another treatment is specifically provided for in the classification plan rules (*special rules*).

(4) How is our classification plan designed?

We have designed a plan which is keyed to the nature of the businesses or industries of the employers we insure. Our plan has over three hundred business or industry classifications. Each classification carries a premium rate which reflects the hazards that workers are exposed to. Descriptions of our classifications can be found in *WAC 296-17-501* through *296-17-779*.

(5) Is your classification approach similar to the approach used by private insurance companies?

Yes, we are required by law (*RCW 51.16.035*) to use the same classification (*underwriting*) approach used by private carriers.

NEW SECTION

WAC 296-17-31012 Classification assignment. (1) How are classifications assigned to my business?

We will assign a basic classification or classifications to your business based on the nature of the business you are engaged in. We will not assign classifications to your business based on the individual operations, duties or occupations of individuals found within your business unless the basic classification assigned to your business either requires or per-

mits a separate classification treatment for specified operations or employments. Exceptions to this approach are outlined in WAC 296-17-31017 and 296-17-31018.

(2) Does this same classification approach apply if I have several businesses?

This classification approach will apply to each separate legal entity. Each separate legal entity will be classified on its own merits.

(3) How do you decide what classification(s) to assign to my business?

To determine what classification(s) to assign to your business, we need enough information to give us a clear understanding of the precise nature of your business and the hazards your business poses to your workers. In some cases we will need to call you to obtain more detailed information about your business. Occasionally one of our field representatives may visit your business to gain a better understanding of the nature of your business. In most cases we will find a classification that specifically describes your business.

Example: You operate a company that sells baked goods to retail customers. Before we can classify your business we need to determine whether you bake the goods you are selling or simply selling goods another business has baked. Once we have determined the precise nature of your business, we will review all of the available classifications to find the one that best describes the entire business. If the business has baked the products they are selling, we would consider a bakery classification or maybe a restaurant classification. If your business simply sells baked goods that another business made, we may look at a retail store classification. In most cases we will find a classification that specifically describes the business we are classifying.

NEW SECTION

WAC 296-17-31013 Building construction. (1) Does this same classification approach apply to building and construction contractors?

Yes, but it may not appear that way without further explanation. We classify contractors by phase and type of construction since it is common for each contract to vary in scope.

Example: A contractor who builds and remodels private residences may frame the structure and work on no other phases of the project. On another job the same contractor may do only the interior finish carpentry. On still another job the contractor may install a wood deck or build a garden arbor. Each of these carpentry activities is covered by a different classification code. To ensure that contractor businesses receive the same treatment as other businesses, we assign classifications according to the phases and types of construction they contract to perform. Since some contractors specialize in one area of construction, such as plumbing, roofing, insulation, or electrical services, this classification approach mirrors that of nonbuilding contractor businesses. The policy of assigning several basic classifications to contractors engaged in multiple phases of construction may seem to be in conflict with the classification approach used for nonbuilding contractor businesses, but we have simply used the multiple business classification approach.

If we have assigned multiple classifications to your construction business you should take special care in maintaining the records required in the auditing and recordkeeping section of this manual. If we discover that you have failed to keep the required records we will assign all worker hours for which the records were not maintained to the highest rated classification applicable to the work that was performed.

(2) Who does this rule apply to?

If you are a building, construction or erection contractor and we have assigned one or more of the following classifications to your business, this rule applies to you: 0101, 0102, 0103, 0104, 0105, 0107, 0108, 0201, 0202, 0210, 0212, 0214, 0217, 0219, 0301, 0302, 0303, 0306, 0307, 0403, 0502, 0504, 0506, 0507, 0508, 0509, 0510, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0521, 0524, 0526, 0527, 0528, 0529, 0530, 0531, 0532, 0533, 0534, 0601, 0602, 0603, 0607, 0608, and 0701.

(3) Can I have a single classification assigned to my business to cover a specific construction project?

Yes, to simplify recordkeeping and reporting requirements we will assign a single classification to cover an entire project.

(4) How do I request the single classification for one of my construction projects?

You should send your request to the attention of your policy manager at the address below:

Department of Labor and Industries
P.O. Box 44144
Olympia, Washington 98504-4144

(5) If I have asked for a single classification on one of my construction projects, how do you determine which classification will apply?

You must supply us with a description of the project and a break down of the total number of hours of exposure by phase of construction that you are responsible for.

Example: You notify us that your company will be responsible for all plumbing and iron erection work on a commercial building site. You have requested a single classification for this project. In your request you tell us that you estimate that it will take one thousand work hours to perform all the plumbing work and five hundred work hours to do the steel erection work.

With this information we will estimate the premiums by classification.

Example: We determine that the plumbing work is covered under classification 0306 and the steel erection work is covered under classification 0518. Assume that classification 0306 has an hourly premium rate of \$1.50 and classification 0518 has an hourly premium rate of \$2.55. We estimate the total premium on this job to be \$2,775 (1,000 hours x \$1.50 = \$1,500 + 500 hours x \$2.55 = \$1,275).

Our next step in this process is to develop an average hourly rate for the project. We will use this information to select the single classification which will apply to this project.

Example: We will take the estimated premium (\$2,775) and divide this number by the estimated hours (1,500) and arrive at an average hourly rate of \$1.85.

To select the single classification that will apply to a construction project, we will compare the average hourly rate

that we have computed to the rates of the classifications applicable to the project. We will select the classification whose hourly rate is the closest to the average hourly rate that we computed from the information you supplied us with.

Example: From the information you supplied, we have determined that the average hourly rate for this project is \$1.85. We also know that the rate for the plumbing classification (0306) is \$1.50 per hour and the rate for steel erection is \$2.55 per hour. We would assign classification 0306 as the single classification applicable to this project.

(6) How will I know what classification will apply to my construction project?

We will send you a written notice which will specify the basic classification and premium rate that will apply to this project.

(7) If I have asked for a single classification to cover one of my construction projects, am I required to use the single classification which you gave me?

No, but you should call your policy manager to verify what other classifications would apply to the project. The name and phone number of your policy manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

(8) I am a general construction or erection contractor, I subcontract all my work and have no employees of my own. Do I have to report to the department of labor and industries?

No, since you do not have employees, you do not need to report to the department of labor and industries. You should be aware that the workers' compensation insurance laws of Washington include certain independent contractors as workers. If we determine that an independent contractor that you used qualifies as a covered worker, you will be responsible for the premium due for their work time. You can also be held responsible for premiums due to labor and industries if you subcontract with an unregistered contractor and they fail to pay premiums on behalf of their employees. It is in your best interest to make sure that your subcontractors are registered contractors by contacting us at 1-800-647-0982.

(9) Am I required to keep any special records of subcontractors that I use?

Yes, you are required to keep certain information about the subcontractors that you use. A list of these recordkeeping requirements can be found in the audit and recordkeeping section of this manual.

NEW SECTION

WAC 296-17-31014 Farming and agriculture. (1) Does this same classification approach apply to farming or agricultural operations?

Yes, but it may not appear so without further explanation. We classify farming and agricultural operations by type of crop or livestock raised. This is done because each type of grower will use different processes and grow or raise multiple crops and livestock which have different levels of hazards. It is common for farmers and ranchers to have several

basic classifications assigned to their account covering various types of crops or livestock. If you fail to keep the records required in the auditing recordkeeping section of this manual, and we discover this, we will assign all worker hours for which records were not maintained to the highest rated classification applicable to the work performed.

(2) I am involved in diversified farming and have several basic classifications assigned to my business. Can I have one classification assigned to my account to cover the different types of farming I am involved in?

Yes, your policy manager can assist you in determining the single classification that will apply to your business. The name and phone number of your policy manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

(3) How do you determine what single farming classification will be assigned to my business?

The approach used to assign a single classification to a farming business is much the same as we use for construction or erection contractors. To do this, we will need a break down of exposure (*estimate of hours to be worked by your employees*) by type of crop or livestock being cared for (*classification*). This information will be used to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce an average rate per hour. We will select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate that we produced from the estimated hours. Classification 4806 is not to be assigned to any grower as the single farming classification.

(4) How will I know what single farming classification you have assigned to my business?

We will send you a written notice of the basic classification that will apply to your business.

(5) If I requested a single classification for my farming operation can I change my mind and use multiple classifications?

Yes, but you will need to call your policy manager to verify the applicable classifications.

The name and phone number of your policy manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

(6) I am a farm labor contractor. How is my business classified?

If you are a farm labor contractor we will assign the basic classification that applies to the type of crop being grown, or livestock being cared for. If you contract to supply both machine operators and machinery on a project, all operations are to be assigned to classification 4808.

NEW SECTION

WAC 296-17-31015 General inclusions. When are certain operations like delivery drivers included in a basic

classification and when are they excluded? There are certain operations, such as delivery of goods or merchandise, which are routinely found in the businesses we insure. We refer to these operations as *general inclusions* to a basic classification. Although these operations are sometimes covered by a specific basic classification, we will not assign separate basic classifications to a business to cover these operations unless it was, coincidentally, the nature of the employer's business. *General inclusion* operations are support functions or operations of a business and, as such, are usually included within the scope of each basic classification. The determination of whether or not these operations will be included within the scope of a basic classification is made when the basic classification is first developed. That is why some basic classifications will exclude certain operations and others will include them. Unless the wording of a basic classification specifically excludes any operation listed below, they are to be included. The more common general inclusion operations are:

- Aircraft travel by employees in connection with the business of the employer, other than members of the flying crew.
- Commissaries and restaurants for the employers' employees. However, such operations, when operated in connection with construction, erection, lumbering, or mining, will be assigned classification 3905 - restaurants.
- Manufacture of containers, such as bags, barrels, bottles, boxes, cans, cartons, wooden pallets, or packing cases by employees of the employers for use in the employer's operations.
- Hospitals, medical facilities, or dispensaries operated by employers for their employees.
- Printing, lithography, or similar operations of the employer when used exclusively for their own products or needs.
- Maintenance or ordinary repair of the employer's building or equipment when performed by employees of the employer.
- Pick up and delivery when performed by employees of the employer in connection with the business of the employer.
- Sales of all products being manufactured by the employer.
- Warehousing, handling, packing, and shipping when performed by employees of the employer in connection with the business of the employer.
- Testing or analytical laboratories when operated by employees of the employer in connection with the business of the employer.

Example: *Picture the variety of delivery vans and trucks you encounter as you drive down a highway. In this example, there is a company-owned truck delivering grocery items, a van that delivers parcels and packages, a moving van transporting household furnishings for a customer, and a common carrier company hauling goods from one state to another. Even though the drivers of these vehicles are performing similar duties (hauling goods/driving on a freeway), we would not assign them to the same basic classification. Our classification policy requires us to assign classifications based on*

the type of the businesses they work for and to consider the overall operations of that business. We learn that the truck delivering grocery items was owned by a retail grocery store and they were transporting goods from a central warehouse to one of their stores. Since the employer is engaged in operating retail grocery stores we would begin our classification search by looking for a classification that covers retail grocery stores. Our search discloses classification 6402 which covers retail grocery stores. A review of the wording of that classification does not require drivers to be reported in another classification so the grocery store classification would include the driver. Now, assume that the driver of the van delivering parcels and packages is an employee of a drug store. Drug stores are covered in classification 6406. A review of that classification reveals that drivers are to be reported separately in classification 1101. Therefore the driver would be reported in classification 1101 and not classification 6406. Moving and storage companies are covered in classification 6907. Since this classification does not exclude drivers, the driver would be reported in classification 6907. And, finally, we would assign the interstate/intrastate trucking classification 1102 to the common carrier trucking operation.

NEW SECTION

WAC 296-17-31016 Classification by analogy. How do you determine what classification(s) to assign to my business if a specific reference does not exist in the classification plan? You may operate a business which is not specifically referenced in our classification plan. This can simply be the result of differences in terminology. Classifications are constantly evolving as employers adopt new technology, employ more specialized employees, modernize equipment, and employ new processes. In rare instances our classification plan will not specifically reference a type of business. When we discover a type of business or industry for which a classification does not exist, we will follow the same general classification approach that we use to classify a business when a reference does exist. However, we need to go a step further by considering the processes used and the related hazards. We call this *classifying by analogy*.

Example: *You are the owner of a pen manufacturing business. Assume we have contacted you and learn the following:*

- *You purchase all the plastic components from another unrelated business;*
- *Some of your pens have plastic housings and others have metal housings;*
- *You manufacture all of the small metal components at your plant;*
- *Your metal manufacturing consists of metal stamping, using metal lighter than nine gauge, and extrusion processes;*
- *You also manufacture small boxes to package your pens;*
- *You operate a printing department for printing your company's logo and pen information on the boxes;*
- *As a special service to customers, you will deliver their pens if they are within a sixty mile radius of your plant.*

We have over three hundred classifications. To simplify the classification process, we have grouped our classification codes into about thirty-eight smaller groupings which we refer to as a schedule grouping. In the case of a pen manufacturer, we can narrow our search to the group which covers metal goods manufacturing. Within the metal goods manufacturing group we have classifications that cover the fabrication of structural iron or steel beams used in construction; classifications that cover the manufacture of wood stoves, storage tanks, and other products using plate metal; classifications that cover light weight sheet metal works such as heating and ventilating duct work; and a classification that covers the manufacture of light metal products. In our search for a classification we encounter classification 3602. Classification 3602 includes the manufacture of fishing tackle, scientific instruments, metal buttons, and jewelry. When we consider the weight of metal, other materials used in the manufacture of the product, the manufacturing processes, and the end product, we conclude that classification 3602 is the most applicable to the manufacture of writing pens and would assign this classification to your pen manufacturing business.

NEW SECTION

WAC 296-17-31017 Multiple classifications. (1) Can I have more than one basic classification assigned to my account?

Yes, we will assign other classifications to your business when the assignment of another basic classification is required or permitted by the description(s) of the employer's other classification(s).

Example: You operate a retail book store. We would assign classification 6406 to your retail book store. Assume that as a part of the book store business you have a separate lunch counter and espresso bar in one section of the book store. A review of classification 6406 reveals that lunch counters are to be reported separately in classification 3905. We would assign classification 3905 for your lunch counter and espresso bar operation. This classification (3905) would be in addition to the book store classification (6406). Remember to keep accurate records of the exposure of each employee by classification. If you do not keep accurate records we will assign the exposure of each employee to the highest rated classification applicable to the work they performed for you. A detailed explanation of payroll records you must keep can be found in WAC 296-17-35201.

(2) Are there other circumstances when I can have more than one basic classification assigned to my account?

Yes, under certain circumstances we will assign more than one basic classification to your account. These circumstances include:

- The employer is operating a secondary business which includes operations that we do not consider a normal part of that employer's principal business in Washington, or
- The employer has multiple retail store locations.

In these instances we will assign additional basic classifications *only if all of the following conditions are met:*

- The employer maintains separate payroll records for each business,
- Different employees work in each business,
- Each business is separated by structural partitions if they share a common business location,
- Each business can exist independently of the other, and
- The classification language of the principal business does not prohibit the assignment of the secondary classification.

If all of the above five conditions are not met, then the operations of the secondary business will be reported in the highest rated classification that applies to the employer.

(3) What do you mean by the term "principal business?"

The principal business is represented by the basic classification assigned to an employer which produces the greatest amount of exposure. The principal business does not include standard exception or general exclusion classifications or operations.

(4) If I have more than one basic classification assigned to my business and I have employees who do work in more than one of these classifications, can I divide their hours between these classifications on my quarterly report?

Yes, you can divide the work hours of any one employee between two or more basic classifications provided the following conditions are met:

- The basic classification assigned to your business allows or requires a division of hours; and
- You keep detailed records of the actual time spent by each employee in each classification. Use of percentages, averages or estimates is not permitted. If you do not have original time card or time book entries to support your reporting, all worker hours in question will be assigned to the highest rated classification applicable to the work being performed.

Example: In a previous rule (WAC 296-17-31017) we described a book store business that operated a lunch counter and espresso bar in connection with the book store. In that example, the book store business was assigned classification 6406. A review of classification 6406 revealed that the lunch counter operation was to be reported separately in classification 3905. Assume that you have one employee who, in addition to stocking and selling books, prepares sandwiches for customers on occasion. You must keep accurate time records by day for each employee. This time record must reflect the actual time the employee worked in the book store operation and the actual time worked preparing sandwiches. If you fail to keep these records all work hours in question would be assigned to the highest rated classification which, in this example, is classification 3905.

(5) If my business is assigned a basic classification and a standard exception classification and I have an employee who works in both classifications, can I divide their exposure (hours) between the two classifications on my quarterly report?

No, you cannot divide an employee's exposure (work hours) between a basic classification and standard exception classification. An explanation of "standard exception classification" is discussed in the next section (WAC 296-17-

31018(2)). If an employee performs work covered by a basic classification and a standard exception classification, all of their exposure (*hours*) must be reported in the basic classification applicable to your business. You cannot report the exposure (*hours*) of any employee in a standard exception classification if they perform duties covered by a basic classification assigned to your business. Refer to WAC 296-17-31018 for a list and explanation of the "exception classifications."

(6) I have more than one standard exception classification assigned to my business. One of my employees works in more than one of the standard exception classifications. Can I divide their exposure (hours) between two or more standard exception classifications on my quarterly report?

No, you cannot divide an employee's work hours between two standard exception classifications. You must report all exposure (*work hours*) in the highest rated standard exception classification applicable to the work being performed.

NEW SECTION

WAC 296-17-31018 Exception classifications. (1) What are exception classifications?

In WAC 296-17-31012 we discussed our classification policy. We described the process used to classify risk and stated that we assign the basic classification or basic classifications that best describe the nature of your company's business. While this policy is modeled after the policy used by private insurance carriers and is geared to administrative ease for you, we recognize that there are some duties or operations where your employees do not share the same general workplace hazards that your other employees are exposed to. To provide for those operations that are outside the scope of a basic classification, we have created three types of exception classifications listed below:

- Standard exception classifications,
- Special exception classifications, and
- General exclusion classifications.

(2) What are the standard exception classifications?

Standard exception classifications cover those employments that are administrative in nature and common to many industries. Employees covered by a standard exception classification cannot be exposed to any operative hazard of the business. If the language of the basic classification assigned to your business does not include these employments, you may be able to report them separately. The standard exception classifications are:

- Classification 4904 (WAC 296-17-653) "clerical office employment." This classification includes clerical, administrative, and drafting employees.
- Sales personnel classifications 6301 (WAC 296-17-696), 6302 (WAC 296-17-697), and 6303 (WAC 296-17-698) includes outside sales personnel and messengers.
- Classification 7101 (WAC 296-17-754) applies to corporate officers who have elected optional coverage. A corporate officer as used in these rules is a person who is an officer in the corporation, such as the president,

who also serves on the corporation's board of directors and owns stock in the corporation.

Clerical office employees are defined as employees whose duties are limited to: Answering telephones; handling correspondence; creating or maintaining financial, employment, personnel, or payroll records; composing informational material on a computer; creating or maintaining computer software; and technical drafting. Their work must be performed in a clerical office which is restricted to:

- A work area which is physically separated by walls, partitions, or other physical barriers, from all other work areas of the employer, and
- Where only clerical office work as described in this rule is performed.

A clerical office does not include any work area where inventory is located, where products are displayed for sale, or area where the customer brings products for payment. Clerical office employees can perform cashiering and telephone sales work if they do not provide any retail or wholesale customer service that involves handling, showing, demonstrating, or delivering any product sold by the employer. Clerical office employees can make bank deposits, pick up and deliver mail at the post office, or purchase office supplies, if their primary work duties are clerical office duties as defined in this rule.

Sales personnel are defined as employees whose duties are limited to: Soliciting new customers by telephone or in person; servicing existing customer accounts; showing, selling, or explaining products or services; completing correspondence; placing orders; performing public relations duties; and estimating. Although some of sales person's duties may be performed in a clerical office, most of their work is conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales." Sales personnel whose duties include customer service activities such as, but not limited to, the delivery of product, stocking shelves, handling inventory, or otherwise merchandising products sold to retail or wholesale customers are excluded from all standard exception classifications. Sales personnel with duties such as delivery and stocking of shelves are to be reported in the basic classification applicable to the business unless the basic classification assigned to the business requires another treatment.

Messengers are defined as employees whose duties are delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business. Classification 6303 "messengers" does not include delivering mail or packages to the employer's customer or as a service to the public. If a messenger is engaged in delivering mail or packages as a service to the public they are to be assigned to the basic classification of the business or classification 1101 as applicable.

Corporate officers duties in classification 7101 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. To qualify for this classification, a corporate officer must:

- Be a shareholder in the corporation,

- Be elected as a corporate officer and empowered in accordance with the articles of incorporation or bylaws of the corporation,
- Serve on the corporation's board of directors,
- Not have any exposure to any operative hazard of the business, and
- Not directly supervise employees who have any exposure to any operative hazard of the business.

Classification 6303 may apply to a corporate officer whose duties are limited to outside sales activities as described in the sales personnel section of this rule. Under no circumstance is classification 4904 to be assigned to any corporate officer. You cannot divide the work hours of an employee between a standard exception classification and a basic classification unless it is permitted by another rule. If an employee works part of their time in a standard exception classification and part of their time in your basic classification, then all exposure (hours) must be reported in the highest rated basic classification applicable to the work being performed.

(3) What are the special exception classifications?

Special exception classifications represent operations found within an employer's business that are allowed to be reported separately when certain conditions are met. Assuming the conditions have been met, the following classifications may be used even if your basic classification includes the phrases "all operations" or "all employees."

Security guards - classification 6601 (WAC 296-17-723) will apply if the security guard:

- Is an employee of an employer engaged in logging or construction,
- Is for the purpose of guarding the employer's logging or construction sites,
- Is employed at the site only during the hours the employer is not conducting any other operations at the site,
- Has no other duties during their work shift as a security guard.

If all of the above conditions are not met, the security guard is to be reported in the basic classification applicable to the construction or logging operation being conducted.

Janitors - classification 6602 (WAC 296-17-724) will apply if:

- The janitorial/cleaning activities being performed are limited to the employer's clerical office,
- The clerical office meets the criteria described earlier in this rule, and
- The employer's office employment is assigned to be reported in classification 4904.

Log truck drivers - classification 5003 (WAC 296-17-66001) will apply if the log truck driver has no other duties during their work shift that are subject to the logging classification 5001 (WAC 296-17-659).

(4) What are the general exclusion classifications?

General exclusion classifications represent operations that are so exceptional or unusual that they are excluded from the scope of all basic classifications. If you have these operations, we will assign a separate classification to cover them. You must keep accurate records of the work hours your employees work in these classifications. If you do not keep

accurate time records for each employee performing work covered by a general exclusion classification, we will assign the work hours in question to the highest rated classification applicable to those hours. The general exclusion classifications are:

- Aircraft operations: All operations of the flying crew.
- Racing operations: All operations of the drivers and pit crews.
- Diving operations: All operations of diving personnel and ship tenders who assist in diving operations.
- New construction or alterations of the business premises.
- Musicians and entertainers.

A division of work time is permitted between a standard exception classification and flight crew operations, racing operations, or diving operations. If you fail to keep original time records that clearly show the time spent in the office or in sales work, we will assign all work hours in question to the highest rated classification applicable to the work hours in question.

Example: Assume a corporate officer performs duties which are described in classification 7101. Occasionally, the officer flies a plane to attend a meeting. You would report the flying exposure (hours) of the corporate officer in classification 6803. The remainder of the corporate officer's time would continue to be reported in classification 7101.

NEW SECTION

WAC 296-17-31019 Standard exception classification describes business. What if the only classification that describes my business is a standard exception classification? How do you assign classifications to my business?

When this happens we will assign the standard exception classification that best fits your business. Any work performed by employees that is outside of the scope of the exception classification will be classified according to the type of work being performed.

Example: You operate an insurance company. Besides having office and sales employees you have a printing department where you produce office stationery, brochures, and insurance policies, and maintenance employees to clean the office. We would assign classification 4904 to your office employees, classification 6303 to your sales employees, classification 4101 for your printing operation and classification 6602 for your janitorial staff. Since classifications 4904 and 6303 are standard exceptions, they do not include printing or maintenance operations.

NEW SECTION

WAC 296-17-31020 Employee supporting multiple business operations. I have more than one basic classification assigned to my business. I have employees such as laundry workers whose duties never change but who support several operations. Can I divide their work hours on my quarterly report?

No, if we have assigned two or more basic classifications to your business and you have employees whose duties

remain the same and are performed at the same location regardless of the operation they support, you would report these workers in the classification which carries the largest number of worker hours. To arrive at the classification that carries the largest number of worker hours, you must first eliminate the hours related to the employees who support two or more operations. Whichever basic classification carries largest number of worker hours after the supporting personnel have been segregated is the classification the supporting employees are to be reported in.

Example: You operate a motel and a restaurant which are located next to each other. You have a laundry operation that cleans the linens for the restaurant as well as doing the sheets and towels for the motel. The laundry employee's duties never change regardless of whether they are doing linens or sheets. The classification of the laundry workers would depend on which classification produces the largest amount of exposure. Let us assume for this illustration that the motel has a larger exposure (hours worked) because you have reported the laundry workers in that classification. When you remove the laundry workers hours from both classifications the restaurant classification has the larger volume of exposure (hours worked). You would report the laundry workers in the restaurant classification.

NEW SECTION

WAC 296-17-31021 Units of exposure. (1) What is a "unit of exposure?"

A unit of exposure is the measure which is used to help determine the premium you will pay. For most businesses the unit of exposure is the **hours** worked by their employees. Because not all employees are compensated based on the hours they work, we have developed reporting alternatives to make reporting to us easier.

Example: Employers in the horse racing industry pay their premiums based on a type of license their employees hold rather than the hours the employees work. Drywall contractors pay premiums based on the square footage of the materials they install rather than the hours it took their employees to install the drywall material.

In other instances, we have developed daily, weekly, or monthly **assumed** work hours.

Example: Commission sales employees who work primarily away from your premises, such as a real estate sales person, are to be reported on the basis of eight hours per day or forty hours per week.

(2) What are the alternatives to actual hours worked?

The exceptions are:

- **Apartment house managers, caretakers, or similar employees:** To determine the number of hours you need to report to us, divide an employee's total compensation, including housing and utility allowances, by the average hourly wage for the classification. The total number of work hours to be reported for each employee is not to exceed 520 hours per quarter. You will need to call us at (360) 902-4817 to obtain average hourly wage information.
- **Baseball, basketball, and soccer teams - including players, coaches, trainers, and officials:** Report each

individual at 40 hours per week for each week in which they have duties.

- **Commission personnel - outside (such as, but not limited to, real estate and insurance sales):** For each day they have duties, report each individual at eight hours per day for part-time employees and forty hours per week for full-time employees.
- **Drywall - stocking, installation, scrapping, taping, and texturing:** Premiums are based on material installed/finished rather than the hours it took to install/finish the drywall.
- **Horse racing - excluding jockeys:** Premiums are paid on a license basis and collected by the Washington horse racing commission at the time of licensing.
- **Jockeys:** Report ten hours for each race/mount or for any day in which duties are reported.
- **Race car drivers:** Report ten hours for each race/heat.
- **Salaried personnel:** All salaried employees of an employer must be reported by the same method. You must report either the actual hours worked for each employee **or** one hundred sixty hours per month. You cannot report some salaried workers based on the actual hours they work and others using the one hundred sixty hours per month method.

(3) Can I use assumed work hours for piece workers?

No, if you employ piece workers you must report the actual hours these individuals work for you unless another unit of exposure is required.

Example: If you have employees engaged in drywall work you would report and pay premiums on the basis of the square footage of the material they installed not the hours they worked.

NEW SECTION

WAC 296-17-31022 Reporting exception classification employees. How do I report exception classification employees on my quarterly report? If the language of the basic classification assigned to your business does not include those occupations, operations or employments which we have defined by exception classifications and treatments, you may report them separately in the applicable exception classification. To report these employments, operations and occupations separately, you must meet all of the conditions specified in the exception classification rules which are applicable to the classification.

NEW SECTION

WAC 296-17-31023 Premium reporting. How often will I need to report and pay premiums? Most employers will report and pay premiums once every three months. We refer to these three-month periods as quarters. For example, the months of January, February, and March represent the first quarter of a calendar year. In some cases employers report at more frequent intervals.

Example: Reforestation contractors report on a contract basis for any project over ten thousand dollars. Since contracts may last only a few days, reforestation contractors may file reports daily, weekly, and monthly.

If you do not have employees during a quarter, you must return your premium report by the due date and indicate "no payroll" or "no employees" across the face of the report. If you do not submit reports when required, we will estimate premiums and initiate legal action against you to collect premiums due.

NEW SECTION

WAC 296-17-31024 Classification rates. (1) How do you determine what rate to charge me?

Each classification has a corresponding base rate. The base rate assigned to your business will depend on the basic classification or classifications assigned to your business.

(2) What do you mean by a base rate?

The base rate is a comparison of losses (*claims*) and exposure to produce a cost per unit of exposure. The base rate is an unmodified rate that all employers with an experience factor of 1.000 will pay in a specific classification.

(3) Do all employers in the same classification pay the base rate?

In practice, only a few employers pay the *base rate*. If you are a new employer, you will pay the base rate until you have reported worker hours during the current *experience period*. After you have reported hours during an experience period, your rate will be modified as of January 1, of the next calendar year. We refer to that modified rate as your *experience rate*. Your experience rate is the base rate adjusted by your own company's claims losses (*experience factor*). It can produce a premium higher or lower than the *base rate*. This means that employers with few claims will pay less than employers in the same classification who have many claims. Experience rating encourages strong safety and accident prevention programs. Details of how experience rating affects your premium are outlined in *WAC 296-17-850 through 296-17-875*. Your policy manager can also answer questions about your individual experience factor. The name and phone number of your policy manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

NEW SECTION

WAC 296-17-31025 Change in business operations. If I change the type of business I operate, or add a new operation, should I call you? Yes, we rely on you to update us about changes in your business operations. We provide a place on your quarterly premium reports to let us know about any changes you have made. If you need help determining if changes to your account are necessary, you can call your policy manager. Depending on the type of change you are making, you may need to complete a new master application. The name and phone number of your policy manager can be found on your quarterly premium report or annual rate notice. For your convenience you can call us at (360) 902-4817 and we will put you in contact with your assigned policy manager.

NEW SECTION

WAC 296-17-31026 Reporting multiple business operations. If I have more than one business, can I report them on the same account? The way the businesses are organized will make a difference. Each separate "*ownership type*" must be classified and reported separately from any other much the same way you must keep each business' financial records separate from any other. Your master application must specify the "*ownership type*" of your business, such as, sole proprietor, partnership, corporation, etc. If that one ownership type registration is for more than one location of the same business or more than one type of business, you can choose to report all of them on the same account or on separate accounts. However, if you register each as a separate ownership type, you must report them on separate accounts.

NEW SECTION

WAC 296-17-31027 Temporary help company. Sometimes I use temporary help employees which I obtain through a temporary help company. Do I have to report those workers to labor and industries in my basic classification? No, if you obtain temporary help employees from a temporary help company, the temporary help company should report these workers to us and pay the required premiums. Temporary help companies have special classifications assigned to them to report and pay premiums on behalf of their client businesses. These classifications are used only in the temporary help industry and are different from our basic classifications which are assigned to nontemporary help companies. If the temporary help service fails to pay premiums to us, the client company is held responsible for the unpaid premiums of any temporary help employee used by the client company.

NEW SECTION

WAC 296-17-31028 Closing accounts. What are my responsibilities when I close my business, or when I no longer have employees? You must notify us in writing when you close your business or when you no longer have employees. You may either send a letter, or include a note on your final quarterly report. We will not close your account from a telephone call.

NEW SECTION

WAC 296-17-31029 Insurance principles. (1) What insurance principles does the department of labor and industries use when a new classification is developed?

Those principles are broken down into four major components as follows:

- Administration
- Equity
- Homogeneity
- Safety

A detailed explanation of these principles can be found in subsection (2) of this section.

(2) What are these principles?

Administration: Recordkeeping requirements must be simple and easy to follow. If our classification system imposed burdensome recordkeeping requirements, most employers would find it difficult to comply. Resolving complaints related to burdensome recordkeeping requirements would be in nobody's interest. The premium rate for your basic classification is based on the *average* exposure to hazard of all your workers. If our classification system were based upon individual occupations, you would pay a lower rate for your workers whose duties are considered low hazard, but you would pay a higher rate for your workers who have duties that expose them to a greater hazard. The total premium you pay would not be decreased; it would only be redistributed and would require more recordkeeping. Having one basic classification assigned to cover all the operations makes recordkeeping and reporting easier for you.

Statistical credibility or equity: By monitoring our classification plan, we ensure that enough hours are reported in each classification to provide a meaningful statistical base. A large enough statistical base helps avoid sudden large increases or decreases in rates and keeps them at the lowest possible level. We refer to this as *statistical credibility*. Classifications must also be *responsive to change* if equity and fairness are to be achieved. Our classification plan is in a constant state of evolution. In the early 1970s we had approximately 45 classifications. Today we have over 300 main classifications and approximately 1,000 subclassification codes to track losses. In some industries, the evolution is gradual, and no change to the classification itself is needed. We recognize that the wording used to describe a classification may not have kept up with changes in an industry. However, as the industry conditions evolve because of modern equipment, new processes or materials, or changes in employment laws and safety standards, so does the experience upon which the rate is based. In other words, the changes in the experience which is used to develop premium rates *reflect* new developments in processes, equipment, and technology even though the wording in the classification is unchanged. We strive to keep our classification language current. Although it would be easy to just change the classification wording as we encounter changes in an industry, Washington law requires that we conduct public hearings before we make official changes to the rule. We do this as a public safeguard and to involve business in the change process. As technologies change or new industries develop, we receive requests from industry representatives for new classifications or for determination of proper classification assignments for the new processes. We will evaluate the request and determine if there is a large enough group of employers to justify a new classification. Any classification must produce enough premium to cover losses. In addition, as specific industries become obsolete or certain processes are no longer in use we will discontinue the classifications that covered them.

Homogeneity: Although it is rare that any two businesses are identical, our classification plan recognizes

that similar businesses have similar exposures to occupational injury and disease. Employers with similar operations and exposures are grouped together so each classification includes common exposures and carries a rate that reflects those exposures. This method of grouping *homogenous* risks ensures that the overall cost of the workers' compensation system is distributed fairly among the businesses we insure. Classifications must also be *mutually exclusive*. Our classifications are clearly defined so that each type of business or industry fits in only one basic classification.

- Workplace safety and accident prevention:** By classifying employers by the nature of their business, each industry can take responsibility for controlling its own workers' compensation costs. Employers may belong to a trade association, which usually offers safety or risk management services. If such services result in fewer and less costly accidents, that improved experience will tend to lower the base rates for that industry. If our classification system were based upon the occupations or duties of employees, the success of a single industry's safety or risk management program would have little impact on its premium costs.

Example: Many retail grocery stores employ meat cutters. If grocery stores wanted to reduce the frequency of injury to their meat cutters they could develop a safety plan that focused on proper meat handling, lifting, and cutting. Assuming the safety program was successful and reduced the cost associated with meat cutter claims, the rate for grocery stores would go down. If, on the other hand, all meat cutters, such as those who work for restaurants, grocery stores, or slaughter houses, reported in a single meat cutter classification, it is doubtful that the grocery stores' safety program would have any impact on the premium rates since grocery stores' meat cutters would represent only a small portion of a meat cutter classification.

NEW SECTION

WAC 296-17-35202 Definitions. For the purpose of interpretation of this manual, chapter 296-17 WAC, or administering Title 51 RCW, the following terms shall have the meanings given below:

(1) "Free from control or direction" shall mean that the contracted individual has the responsibility to deliver a finished product or service without the contracting firm or individual either exercising direct supervision over the work hours or the methods and details of performance or having the right to exercise that authority under the contract.

(2) "Principle place of business" shall be the physical location of the business from which the contract of service is directed and controlled.

(3) "Within a reasonable period" for establishing an account with state agencies shall be the time prior to the first date on which the individual begins performance of service toward the contract or the date upon which the individual is required to establish an account with a state agency, as otherwise required by law, whichever event shall last occur.

(4) "Bona fide officer" means any person empowered in good faith by stockholders or directors, in accordance with

articles of incorporation or bylaws, to discharge the duties of such officer.

(5) "Related by blood within the third degree" means the degree of kinship as computed according to the rules of the civil law.

(6) "Related by marriage" means the union subject to legal recognition under the domestic relations laws of this state.

NEW SECTION

WAC 296-17-35203 Special reporting instruction. (1) Professional and semiprofessional athletic teams. Athletes assigned to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance: *Provided*, That a professional athlete who is under contract with a parent team domiciled outside of the state of Washington while assigned to a team domiciled within Washington is subject to mandatory coverage by Washington industrial insurance unless the player and employer (parent team) have agreed in writing as to which state shall provide coverage in accordance with RCW 51.12.120(5).

The following rules shall apply to the written agreement:

(a) Agreement must be in writing and signed by the employer and the individual athlete.

(b) Agreement must specify the state that is to provide coverage. The state agreed upon to provide coverage must be a state in which the player's team, during the course of the season, will engage in an athletic event. For example, if the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they could not agree to have California provide the coverage as this would not qualify as a state in which the player regularly performs assigned duties.

(c) The state agreed upon accepts responsibility for providing coverage and acknowledges such to the department by certified mail.

(d) Agreement and certification by the other state must be received by this department's underwriting section prior to any injury incurred by the athlete.

(e) Agreement will be for one season only commencing with the assigning of the player to a particular team. A separate agreement and certification must be on file for each additional season.

Failure to meet all of these requirements will result in the athlete being considered a Washington worker for premium and benefit purposes until such time as all requirements have been met.

Professional sports teams who are domiciled outside the state of Washington and who participate in sporting events with Washington-domiciled teams are not subject to Washington industrial insurance for their team members while in this state. These out-of-state teams are not considered employers subject to Title 51 on the basis that they are not conducting a business within this state.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW

51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable.

(a) **Insurance liability.** Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) **Reporting.** Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(c) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(vi) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and
- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) Forest, range, or timber land services—Industry rule. Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period,

shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive twenty-four-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

- (i) The name of each worker;
- (ii) The Social Security number of each worker;
- (iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;
- (iv) The basis upon which wages are paid to each worker;
- (v) The number of units earned or produced for each worker paid on a piece-work basis;
- (vi) The risk classification(s) applicable to each worker;
- (vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b)(viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

- (x) The workers' total gross pay period earnings;
- (xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;
- (xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and can-

celled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(I) The employers' unified business identification account number (UBI).

(II) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(III) The total contract award.

(IV) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(V) Physical location/site where the work will be performed including legal description.

(VI) Number of acres covered by the contract.

(VII) Dates during which the work will be performed.

(VIII) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (e)(i) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The department will notify the contractor, and the entity that awarded the contract, of the status of the contractors' account immediately after verification. The landowner, firm, or contractors' premium liability will not be released until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

(I) The name of the contractor who has been engaged to perform the work;

(II) The contractor's UBI number;

(III) The contractor's farm labor contractor number;

(IV) The total contract award;

(V) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;

(VI) Location where the work is to be performed;

(VII) A contact name and phone number of the person, firm, or corporation who let the contract;

(VIII) The total estimated wages to be paid by the contractor and any subcontractors;

(IX) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;

(X) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries
Reforestation Team 8
P.O. Box 44168
Tumwater, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

(5) Logging and/or tree thinning—Mechanized operations—Industry rule. The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17-66003.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys will be required after the initial survey to retain the risk classification assignment.

(b) Every employer as a prerequisite of being assigned risk classification 5005 and having exposure (work hours) which is reportable under other risk classifications assigned to the employer shall be required to establish a separate sub-account for the purpose of reporting exposure (work hours) and paying premiums under this risk classification (5005). Except as otherwise provided for in this rule, only exposure (work hours) applicable to work covered by risk classification 5005 shall be reported in this subaccount. In the event that the employer's only other reportable exposure (work hours) is subject to one of the standard exception risk classifications, or the shop or yard risk classification then all exposure (work hours) will be reported under a single main account.

(c) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

(6) Special drywall industry rule.

(a) Why are we changing the way you pay premiums? Under Washington law (RCW 51.16.035), we are given the authority to establish how workers' compensation insurance rates are computed. For most industries, workers' compensation insurance rates are based on hours worked by employees. While the worker hour system works well for most industries, this method of paying premium can be unfair when a large segment of workers within an industry are not paid an hourly wage. The drywall industry is one in which many workers are paid on the basis of material installed, finished, stocked and/or scrapped (piece work), not the hours they work. As a result, employers have developed a variety of different ways of converting payroll to hours worked to comply with our hourly reporting requirements. In many instances the conversion of payroll to hours worked has resulted in the under reporting of work hours to us. Under reporting results in higher premium rates which you pay. To help remedy the problems caused by using work hours as the basis of how you pay premiums, and to provide greater fairness to employers engaged in drywall work, the premium for classifications 0524, 0526, 0527, 0528, 0529, 0530, 0531, 0532, 0533, and 0534 is based on material (square feet).

(b) How can I qualify for a discounted rate? For each drywall industry classification, we will establish a second classification covering the same activity. The second classification will carry a discounted rate. To qualify for a discounted classification and rate you will be required to meet all of the following conditions:

(i) Prior to the end of the quarter that you want the discounted classifications and rates to be applied to your business, you must attend two workshops that we will offer. For example, if you want the discounted classifications and rates to apply to your business for the third quarter 1997 (July 1 through September 30, 1997), you must attend the two workshops by September 30, 1997. One of the workshops covers claims and risk management practices. The other workshop

will cover premium reporting and recordkeeping. The two workshops may be offered together or separately. Be sure to sign in so that you receive credit for attending the workshops.

(ii) Provide us with a signed and completed voluntary release of information form that we will provide to you or your representative at the workshops. We will use this release form to obtain material and supply/purchase sales records from the material supply dealer(s) that you use in the event of an audit. This will aid us as we verify the information you supply us on your premium and supplemental reports. If we need to verify the information that you supplied us, we will send you written notice before we contact your material supply dealer(s). We must receive this release form prior to the end of the quarter in which you want the discounted classifications and rates to become effective. For example, if you want the discounted classifications and rates to apply to your business for the third quarter 1997 (July 1 through September 30, 1997), we must receive your signed and completed release of information form by September 30, 1997. You can complete the voluntary release form at the workshop and give it to our representative at the workshop or mail it to:

Labor and Industries
Employer Services - Drywall Manager
P.O. Box 44166
Olympia, Washington 98504-4166

(iii) Submit complete and accurate premium reports when they are due and be current with all premium reports and payments. If you owe us money (premiums) for any quarter or period prior to December 31, 1996, we will allow you to report in the discounted classifications. To meet this condition you must file all reports required by this section when due; and if you have not paid premiums which were due for any quarterly report you submitted to us prior to and including the fourth quarter 1996 (October 1, through December 31, 1996), either pay the balance due immediately or maintain a current payment agreement with us for any past due premium. For purposes of this section, a "current payment agreement" is a written legal agreement which we have approved and entered into with you. This agreement will set forth your unpaid premium obligation, any applicable penalties and interest that must be paid, the amount of each installment (payment) and a schedule of payment due dates. If you fail to make any payment covered in a payment agreement you will lose the right to use the discounted classifications and rates. You will not be allowed to use a discounted classification or rate if you fail to submit reports, or make premium payments on time for any period beginning with the first quarter 1997. This requirement applies to any classification assigned to your business and for any exposure (hours, square feet, etc.) which occurs after January 1, 1997.

(iv) Provide us with a supplemental quarterly report which shows by employee the employee's name and Social Security number, the wages you paid them during the quarter, the basis for how they are paid, (piece rate, commission, hourly, etc.) their rate of pay per unit/hour, and a notation as to whether they are an installer, finisher, scrapper, painter, etc. This report is to be attached to and submitted with your quarterly premium report.

(v) For any work which you subcontract to others, you must maintain the records described in WAC 296-17-31013.

(vi) Keep and retain the payroll and employment records described in WAC 296-17-35201.

If you do not meet all of the above conditions, we will not assign the discounted rates to your business and you will be required to pay premiums in the nondiscounted classification(s).

(c) **Can I be disqualified from using the discounted rates?** Yes, as opposed to failing to qualify because you did not meet the conditions of (b) of this subsection, your business will be disqualified from using the discounted premium rates if you do not file premium reports on time; if you fail to pay premiums on time; if you under report or misclassify the work performed by your employees; if you fail to maintain the payments in a payment agreement you have entered into with us; or fail to meet any other condition set forth in this rule.

(d) **How long will I be disqualified from using the discounted classifications?** If we disqualify your business from using the discounted classifications, the disqualification will be for three years (thirty-six months) from the period of last noncompliance.

(e) **I have several businesses, if one of my businesses is disqualified from using the discounted rates will that affect my other businesses?** Yes, if you have ownership interest in a business which has been disqualified from using the discounted rates, and you also have ownership interest in other construction businesses which have separate industrial insurance accounts or subaccounts, all businesses in which you have ownership interest will be disqualified from using the discounted rates. This includes a business which you own or owned that is in bankruptcy status and for which you have not entered into a payment agreement, if you owe us any money; or money that you owe us which we wrote off as an uncollectible debt.

(f) **What if I make a mistake in how I reported to you, should I correct the error?** Yes, you should send in a revised report with an explanation of the error you are trying to correct. If we audit your business, and we determine that you have under reported exposure in any classification assigned to your business, all exposure which you reported in the discounted classifications for the audit period will be reclassified to the nondiscounted classifications.

(g) **If I disagree with an audit or other decision can I still use the discounted rates while we are resolving the issue?** Yes, if you are involved in a dispute with us over the status of an independent contractor, the issue being whether an individual is a covered worker; the proper classification of work your employees performed; or under reporting; you may qualify for the discounted classifications by paying the disputed amount while the issue is under dispute. In the event the issue is resolved in your favor we will refund any moneys which you paid which were disputed. We will not pay interest on the refunded amount. If you do not pay the audit balance or disputed amount when requested or post an equivalent bond, you will not be permitted to use any of the discounted classifications.

(h) I am the owner of the business, and I do some of the work myself, can I deduct the work I do from the total square feet to be reported to you? Yes, as an owner of the business you can deduct the amount of work that you did from the total square feet which you are going to report to us.

(i) How do I calculate and report this deduction to you? To claim this deduction you must send us a report which shows by job, project, site or location the total amount of material that was installed or finished at that job, project, site or location; the amount of material which you as the owner installed and/or finished at the job, project, site or location; the hours that it took you to install and/or finish the material you are claiming deduction for; the total material installed and/or finished by employees at the job, project, site or location; and the hours the employees worked by job, project, site or location. This report must accompany the quarterly report in which you are claiming a deduction. If there are several owners, you must supply this information for each owner you wish to claim a deduction for.

NEW SECTION

WAC 296-17-35204 Penalty assessments for employers who fail to register under Title 51 RCW. (1) Any employer who has failed to secure payment of compensation for their workers covered under this title will be liable, subject to RCW 51.48.010, to a maximum penalty in a sum of five hundred dollars or in a sum double the amount of premiums due for the four quarters prior to securing payment of compensation under this title, whichever is greater, for the benefit of the medical aid fund.

(2) If an injury or occupational disease is sustained by a worker of an employer who has failed to secure payment of compensation under this title that employer may also be liable for the cost of such an injury or occupational disease at the time the claim for benefits is accepted by the department.

For the purposes of this section only the cost of such claim will be determined as follows:

The case reserve value shall be determined by the nature of the injury or occupational disease, the part of the body affected and other factors which will impact the cost, including but not limited to, age, education and work experience. The case reserve value will include actual costs paid to date and estimated future claim costs. No further adjustments or evaluations of the cost of the claim will be made for the purposes of this subsection after assessment for the cost of an injury or occupational disease is made by the department.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-501 Classification 0101.

~~((Airports, landing strips, runways and taxi ways: Construction including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed or project site to grade~~

~~Alley and parking lot: Construction including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed or project site to grade~~

~~Excavation work, N.O.C.~~

~~Grading work, N.O.C.—including land leveling and grading of farm lands by contractor~~

~~Highway road construction, N.O.C.: Construction including operations such as clearing, grubbing, grading, cut and fill work, and bringing roadbed to grade~~

~~Land clearing, N.O.C.—including slope grooming~~

~~Pool or pond excavation~~

~~Railroad line: Construction, maintenance and repair, N.O.C., including the dismantling of tracks and the sale of salvaged track metal and ties~~

~~Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.~~

~~Tree care and pruning services, N.O.C.—use of this classification is limited to employers engaged in providing a variety of tree care services such as tree topping and tree pruning. Work performed subject to this classification will generally take place in residential areas, or settings adjacent to roadways, parking lots, business parks, shopping malls. A primary purpose of this work is to remove tree or branch hazards from power lines or building structures. This classification includes all the incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree topping or limbing operation, spraying or fumigating, and debris removal. This classification excludes tree pruning done in connection with an orchard operation which is to be reported separately in classification 4803; tree pruning done in connection with a nursery operation which is to be reported separately in classification 4805; tree care or tree pruning done in connection with a public or private forest, range land operation which is to be reported separately in classification 5004; or tree pruning done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307.~~

~~This classification excludes asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212; concrete construction which is to be reported separately in the applicable concrete construction classification(s); bridge construction which is to be reported separately in classification 0201 although such a structure may be constructed as a part of a highway, street or road construction project; logging road construction which is to be reported separately in classification 6902; log railroad construction which is to be reported separately in classification 6902; and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caisson done in connection with dam construction which is to be reported separately in classification 0701.)~~

0101-00 Land clearing: Highway, street and road construction, N.O.C.

Applies to contractors engaged in clearing right of ways for subsurface construction on a new or existing highway, street, or roadway project that is not covered by another classification (N.O.C.). The subsurface is the roadbed foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is a compressed gravel road, the subsurface or sub base is con-

structed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees which is to be reported separately in the applicable logging classification; and logging road construction which is to be reported separately in classification 6902.

0101-01 Land clearing: Airport landing strips, runways and taxi ways; alleys and parking lots

Applies to contractors primarily engaged in clearing right of ways for subsurface construction on a new or existing airport landing strip, runway, and taxi way. This classification also includes clearing of right of ways for alley and parking lot projects. The subsurface is the foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is compressed gravel, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed or project site to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and felling of trees which is to be reported separately in the applicable logging classification.

0101-02 Excavation work, N.O.C.

Applies to contractors engaged in general excavation work for others that is not covered by another classification (N.O.C.). Work contemplated by this classification involves excavating or digging of earth to form the foundation hole such as for a wood-frame or nonwood-frame building and side sewer hookups (street to house) when performed as part of the excavation contract. Activities include, but are not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cut and fill work, backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equip-

ment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210 and felling of trees which is to be reported separately in the applicable logging classification.

0101-03 Grading work, N.O.C.

Applies to contractors engaged in various forms of grading work for others that are not covered by another classification (N.O.C.). Typical equipment used is a grader, but other equipment such as a bulldozer and a front end loader may also be used. Work contemplated by this classification includes, but is not limited to, leveling and grading lands, spreading dirt, sand, gravel and/or ballast to desired contour on farm lands or other tracts of land.

0101-04 Land clearing, N.O.C.

Applies to contractors engaged in general land clearing work that is not covered by another classification (N.O.C.). This classification includes, but is not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth to rearrange the terrain, earth excavation, cut and fill work, backfilling, and slope grooming. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes felling of trees which is to be reported separately in the applicable logging classification.

0101-16 Railroad line: Construction, maintenance and repair, N.O.C.

Applies to contractors engaged in the construction, maintenance and repair of railroad tracks not covered by another classification (N.O.C.), including the dismantling of track and the sale of salvaged track metal and ties. Work contemplated by this classification includes all operations on new or existing main lines, side tracks and spurs to industrial properties. This classification includes, but is not limited to, the laying of rock or ballast, laying of ties and track, installation of crossover frogs and switches, erection of switch stands and switch mechanism, erection of cattle guards, the placing of grade crossing planks, and similar activities related to the laying or relaying of railroad lines and also includes the dismantling of railroad main lines, side tracks and spurs to include track, ties, etc., and the subsequent storage and sale of salvaged material after the railroad line is dismantled.

This classification excludes asphalt surfacing/resurfacing and all concrete construction work which is to be reported separately in the applicable asphalt or concrete construction classification; logging railroad construction which is to be reported separately in classification 6902; and the construction, maintenance, or repair of an elevated railway which is to be reported separately in classification 0508.

0101-17 Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

Applies to contractors engaged in the construction or repair of retaining walls in connection with highway, street, or roadway projects that are not covered by another classification (N.O.C.). Retaining walls are often constructed to protect against potential problems such as earth slides or erosion of banks alongside a roadway or overpass. Work contemplated by this classification involves large scale excavation to contour a specific area of earth serving as a retaining wall. Activities include, but are not limited to, excavation, clearing, cut and fill work, backfilling, grading and slope grooming. Fill material used may include dirt, sand, stone or boulder. Equipment used by contractors subject to this classification includes, but is not limited to, scrapers, bulldozers, graders, backhoes and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; concrete construction which is to be reported separately in the applicable concrete construction classification; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees by chain saw which is to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caissons which is to be reported separately in classification 0201.

0101-36 Tree care and pruning services, N.O.C.

Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to nonforestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to, incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree care service, spraying or fumigating of trees, debris removal and stump removal when conducted by employees of an employer subject to this classification.

This classification excludes tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees; tree care services done in connection with a nursery operation which is to be reported separately in classification 4805; tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004; or tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307.

0101-37 Soil remediation

Applies to establishments engaged in various types of remediation of soil contaminated with hazardous or toxic materials. Soil remediation can take place at the site of the contamination, or the contaminated soil may be hauled to

another area for remediation. This classification also includes oil spill cleanup on land. Equipment used will include backhoes and front end loaders, as well as other types of dirt moving equipment.

The methods used for soil remediation may include, but are not limited to, the following:

- Bio-remediation
- Encapsulation
- Excavation and hauling to an approved disposal site
- Hot air vapor extraction
- Soil vapor extraction
- In situ vitrification
- Land farming
- Mobile incineration
- Thermal desorption
- Stabilization

This classification excludes oil spill cleanup involving diking or ditching work which is to be reported separately in classification 0201.

0101-39 Pool or pond excavation

Placement of pool or pond liners

Applies to contractors engaged in the excavation of pools or ponds. Work contemplated by this classification involves excavating or digging of earth to form the hole such as for a swimming pool or pond. Work contemplated by this classification includes excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cutting, filling or backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, bulldozers, backhoes and dump trucks. This classification includes the placement of plastic pool and pond liners provided it is not in connection with concrete work.

This classification excludes concrete construction which is to be reported separately in the applicable concrete construction classification.

0101-40 Mowing or chemical spraying of roadway median strips, roadsides, and/or power line right of ways.

Applies to contractors engaged in mowing, grooming, picking up litter, and chemical spraying of roadway median strips and edges, roadsides, and power line right of ways. Work contemplated by this classification includes spraying chemicals to control weeds and unwanted vegetation, tall grass, brush, brambles and tree seedlings as part of a roadway, roadside or right of way maintenance contract. Equipment used by contractors subject to this classification includes, but is not limited to, a variety of equipment such as backhoes, tractors, push mowers, brush mowers, weed eaters, as well as hand tools such as machetes, sickles, and pruners.

This classification excludes mowing and/or grooming of roadway median strips, roadsides, and power line right of ways when performed by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; forest, timber or range land contract work which is to be reported separately in the classification applicable to the work being performed; and the felling and

removal of trees by chain saw which is to be reported separately in classification 5001.

Special note: Classification 0301, "landscape construction," and classification 0308, "landscape maintenance," are not to be assigned to mowing and/or grooming of roadway median strips, roadsides, and power line right of ways.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-503 Classification 0103.

~~((Drilling, N.O.C.—excluding drilling work done in connection with a construction project which is to be reported separately in the classification applicable to the phase of work being supported~~

~~Geophysical exploration, seismic detection of the mechanical properties of the earth:))~~

0103-09 Drilling or blasting: N.O.C.

Applies to contractors engaged in drilling operations for others not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, well drilling for oil, gas or water; exploratory well drilling; and drilling of holes in rock for shot holes. Such drilling generally contemplates the digging of a hole using a rotating or pounding type tool. Equipment used by drilling contractors includes earth auger drills, jackhammers, drilling rigs, and bits which will vary in size depending upon the terrain or material to be drilled and the depth and size of holes to be drilled. This classification also includes blasting operations not covered by another classification (such as the blasting of rock in connection with highway, street or road construction).

This classification excludes drilling operations performed in connection with concrete or building construction which is to be reported separately in the construction classification applicable for the work being performed; drilling done in connection with all types of underground or surface mining and quarry operations which is to be reported separately in the applicable mining classification; and blasting performed as part of building demolition which is to be reported separately in classification 0506.

0103-10 Geophysical exploration: Seismic detection of the mechanical properties of the earth

Applies to establishments engaged in geophysical exploration, by seismic detection, of the earth's subsurface. Work contemplated by this classification involves a seismograph work crew consisting of a party chief, a permit person, a surveyor, drillers, shooters, observers and a computer analyst. The seismic method utilizes a dynamite blast that simulates a miniature earthquake. The recorder of the vibrations is the sensitive earthquake detector which records the intense vibrations on a rapidly moving tape. The data collected from the tapes and photographic records are interpreted and a contour map of the rocks and their foundation to depths of several thousand feet is developed.

This classification excludes geophysical exploration without seismic detection which is to be reported separately in classification 1007.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-504 Classification 0104.

~~((Dredging, N.O.C.))~~

0104-12 Dredging, N.O.C.

Applies to contractors engaged in providing dredging services to others that are not covered by another classification (N.O.C.). Work contemplated by this classification includes cleaning, deepening or widening a body of water such as a harbor or other waterway. Scooping or suction machinery is generally employed in the dredging process to remove sand, clay, mud or other material from the body of water that is being dredged.

This classification excludes diving operations which are to be reported separately in classification 0202; underground mining operations which are to be reported separately in classification 1702; and dredging for the production of sand, gravel, or shale which is to be reported separately in classification 0112.

Special note: Dredging projects could occur on or adjacent to navigable waters (a harbor, river, canal) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities from a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, or type of pontoon which is a flat bottom boat or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, dredging projects involve a variety of types of work crews such as those working from a floating derrick or dredge, a pontoon, a shoreline dredge, workers who are on shore distributing the discharged material, as well as the maintenance and repair of the dredge and equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-505 Classification 0105.

~~((Fence erection or repair: All types, N.O.C.~~

~~Parking meter: Installation—excluding parking meter mechanism service or repair which is to be reported separately in classification 0606, "vending or coin-operated machine service"~~

~~Placement of wire mesh on slopes for slope protection:))~~

0105-13 Fence erection or repair: All types, N.O.C.; parking meter installation; and placement of wire mesh on slopes for slope protection

Applies to contractors engaged in the erection and repair of all types of metal or wood fences not covered by another classification (N.O.C.). Work contemplated by this classification includes the use of a tractor with a propelled auger, or a mechanical or manual post hole digger. The poles or posts are set in the ground with small quantities of sand, gravel or concrete. Occasionally, a fence contractor may pour a concrete footing around the perimeter of the fence to be constructed. Work of this nature, when done in connection with a fence construction project, is included within the scope of this classification. This classification also includes the installation or removal of entire parking meter units, and the placement of wire mesh on slopes for slope protection.

This classification excludes contractors engaged in the erection or repair of brick, masonry or stone fences or planters which are to be reported separately in classification 0302; erection or repair of concrete fences or planters which are to be reported separately in classification 0217; and service or repair of parking meters which is to be reported separately in classification 0606.

Special note: It is common for contractors subject to this classification to sell kennel kits, fence repair parts and fencing materials. Sales of fencing materials by a fence contractor are included in classification 0105. Classifications 2009, 6309 or similar store classifications are not to be assigned to a contracting business.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-50601 Classification 0107.

((Invisible fence installation
Pipelaying, N.O.C.

Utility line construction: Underground type, N.O.C.—including television cable, power, and telephone lines:))

0107-00 Utility line construction: Underground, N.O.C.

Applies to contractors engaged in underground utility line or cable construction that is not covered by another classification (N.O.C.). Work contemplated by this classification includes the installation and maintenance of underground television cable, power, and telephone line including main, extension, and outside service connection lines. Installation of these types of utilities usually occurs at a depth of 3' or less. This classification includes digging narrow trenches, laying pipe or conduit, laying line or cable, and filling or backfilling trenches. In some instances automatic equipment is used which in one operation opens the trench, lays the line and backfills. Equipment used by contractors subject to this classification includes backhoes, mechanical or manual trench diggers, automatic equipment and dump trucks.

This classification excludes land or road clearing and excavation which is to be reported separately in classification 0101; overhead television, power, or telephone lines including poles or towers which are to be reported separately in classification 0509 or the applicable utility company classification; asphalt surfacing/resurfacing which is to be reported

separately in classification 0210 or 0212; concrete construction which is to be reported separately in the applicable concrete construction classification(s); and construction specialty services including the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219.

0107-01 Pipelaying, N.O.C.

Applies to contractors engaged in underground pipelaying or pipeline construction not covered by another classification (N.O.C.). Work contemplated by this classification includes the installation and maintenance of underground gas, oil or water main construction, and other pipelines such as those extending cross country. Installation of these types of pipes usually occurs at a depth of approximately 3'. This classification includes digging narrow trenches, laying pipe, making connections, and filling or backfilling trenches. This classification includes machinery and equipment such as backhoes, mechanical or manual trench diggers, and dump trucks.

This classification excludes land or road clearing and excavation which is to be reported separately in classification 0101; construction of sewer lines and drainage systems, canals, ditches, underground tanks generally occurring at a depth greater than 3' which are to be reported separately in classification 0108; asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212 as applicable; concrete construction which is to be reported separately in the applicable concrete construction classification(s); and construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219.

0107-02 Invisible fence installation

Applies to specialist contractors engaged in the installation of invisible fences which are usually used to confine animals within a given area. Work contemplated by this classification includes identifying the land area to be fenced to keep animals in, digging a trench 1" wide by 2" deep along the field perimeter (usually the trench is made with a relatively small trench digger or modified rototiller), placing wire in the trench and burying it. The wire is connected to a transmitter box which plugs into a 110 volt electrical outlet. The intensity of the voltage is set by the transmitter and the animal wears a receiver collar. This classification includes related maintenance and repair at the customer's location.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-50602 Classification 0108.

((Ditches and canals, N.O.C.

Sewer construction

Septic tank installation, including drainfield construction

Tanks, N.O.C.—underground type: Installation, repair, or removal:))

0108-00 Ditches and canals, N.O.C.

Applies to contractors engaged in the construction of ditches and canals not covered by another classification (N.O.C.). A ditch or canal consists of a long trench dug in the

ground that will remain uncovered to serve as an artificial waterway or artificially improved river such as for irrigation, drainage, or a boundary line. Work contemplated by this classification includes digging of main irrigation canals or drainage ditches and all laterals extending from the canal or ditch, installation of pipe, making connections as needed, and filling or backfilling as needed. Equipment used by contractors subject to this classification includes a variety of machinery and equipment such as power shovels, backhoes, bulldozers, dump trucks, and mechanical or hand tool trench diggers.

This classification excludes asphalt surfacing/resurfacing which is to be reported separately in classification 0210 or 0212, and concrete construction which is to be reported separately in the applicable concrete construction classification(s).

0108-01 Sewer construction; septic tank installation

Applies to contractors engaged in the construction or repair of new or existing sewer lines and systems. This includes, but is not limited to, sewers, cesspools, drainpools, storm drains, and septic tanks including the drainfield construction. Work contemplated by this classification includes the installation and maintenance of all types of storm, sanitary or sewage lines and systems. Installation of these types of pipelines and systems occur entirely, or in part, at a depth greater than 3'. This classification includes such activities as excavation, trench digging, leveling trench with fill material such as sand or gravel, filling or backfilling, installation of force main type sewage work, the installation of storm sewer lines including the outfall construction of drain concrete boxes, catch basins, manholes, handling and laying of pipe (regardless of the size of pipe or depth below the ground), making connections, etc. Equipment used by contractors subject to this classification includes a variety of machinery and equipment such as power shovels, backhoes, bulldozers, dump trucks, and mechanical or manual trench diggers.

This classification excludes side sewer hookups (street to house) when performed by a plumbing contractor as part of a plumbing contract which is to be reported separately in classification 0306; and sewer pipe cleaning including services engaged in line cleaning and unplugging of waste lines which is to be reported separately in classification 0306.

0108-02 Tanks, N.O.C. - underground: Installation, repair, or removal

Applies to contractors engaged in the installation, repair or removal of underground tanks not covered by another classification (N.O.C.) such as those used to store gas or oil. Activities include excavating or digging of holes, placement or removal of tank, and filling or backfilling. This classification makes no distinction as to the size of tank being placed or removed. Usually, the actual lifting into or out of the ground occurs with the use of a power shovel, front end loader or backhoe. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as power shovels, front end loaders, backhoes, bulldozers, and dump trucks.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-50603 Classification 0112.

~~((Commercial production of sand, gravel and processing clay and stone products including rock crushing~~

~~Humus or peat digging~~

~~Pit, crusher and bunker operations in connection with road, street and highway construction~~

~~Sand, gravel, or shale: Digging, N.O.C.))~~

0112-00 Commercial production of sand, gravel, clay and stone products

Applies to establishments engaged in the production of sand, gravel, clay and stone products. Material may be excavated in an open or surface type pit at the production site, or from a mine or quarry operation. Sand, gravel and stone is washed, crushed, sorted, graded and screened. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. The larger stones are crushed and rescreened. Clay is screened and graded. Refined products are stored in bins, hoppers, piles or yards prior to delivery by truck or rail to customers. This classification includes dealers who stockpile or store products in a yard type of environment prior to delivery to the customers when done in connection with the production of such products. Equipment includes, but is not limited to, scrapers, shovels, front end loaders, trucks, conveyors, jaw crushers, gyrators, roll crushers, and shaking tables.

This classification excludes establishments engaged in selling custom soil mixes, bark, decorative rock, sand, or gravel purchased from others which are to be reported separately in classification 1103.

Special note: Classifications 0112 and 1103 are not to be assigned to the same business unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.

0112-01 Humus or peat digging

Applies to establishments engaged in the digging or stripping of humus or peat. Humus is a brown or black organic substance consisting of decayed vegetable matter that provides nutrients for plants and increases the water retention of soil. Peat is a partially carbonized vegetable matter found in bogs and used as fertilizer and fuel. Work contemplated by this classification involves stripping material from the surface or bogs with mechanical equipment such as, but not limited to, power shovels, scrapers, drag lines, clamshell diggers or cranes, and hydraulic dredges. The material is conveyed from the pit or bog to hoppers by trucks or belt conveyors. At times it is necessary to grade, screen and dry the material prior to storage or delivery to customers. This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

Special note: Classifications 0112 and 1103 are not to be assigned to the same business unless all of the conditions of the general reporting rule covering the operation of a secondary business have been met.

0112-02 Pit, crusher and bunker operations in connection with road, street and highway construction

Applies to establishments engaged in pit, crusher and bunker operations in connection with highway, street or roadway construction projects. Generally, this type of operation is located in close proximity to the project site and is only set up for the duration of the project. Work contemplated by this classification includes excavating open or surface pits, scraping or stripping the surface, crushing, and bunker (storage) of material. Products extracted from the pit or surface include boulders, stone, rock, gravel, aggregate, sand, dirt or clay. These products can be used directly without any further refinements or could be washed, sorted, crushed and/or screened. Products are stored in bunkers or piles until needed. These products are used in a variety of ways as part of the roadway project such as, but not limited to, making preliminary roads into an area, filling in low or uneven areas, use as natural barriers, and bringing the roadbed and surrounding areas to grade. Equipment includes, but is not limited to, power shovels, scrapers, bulldozers, front end loaders and other earth moving equipment, trucks, conveyors, jaw crushers, gyrators, roll crushers, shaking tables, etc.

0112-03 Sand, gravel, or shale: Digging, N.O.C.

Applies to establishments engaged in the digging or dredging of sand, gravel or shale that is not covered by another classification (N.O.C.). The material is excavated from surface pits with mechanical equipment such as power shovels, drag lines, clamshell diggers or cranes, or obtained from nonnavigable waters by means of hydraulic dredges, clamshell dredges, etc. The material is conveyed from the bank, pit or dredge to hoppers by trucks, belt conveyors, narrow gauge railroads or pipelines. It is then washed, graded, screened and stored in bins, hoppers, or piles prior to delivery by truck or rail to customers. Sand or gravel in its natural state usually requires only screening with the larger stones being removed. In some instances, the larger stones may be crushed and rescreened which is included in this classification. This classification includes dealers who stockpile or store material in a yard type of environment prior to delivery to customers when done in connection with the digging or stripping of such products.

This classification excludes underground mining operations which are to be reported separately in classification 1702.

Special note: Classifications 0112 and 1103 are not to be assigned to the same account unless all the conditions of the general reporting rule covering the operation of a secondary business have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-508 Classification 0201.

(~~Bridge, trestle, overhead crossing, viaducts, construction, maintenance and repair including the foundations and approaches~~

Breakwater, jetty, levee, construction, maintenance and repair

Bulkhead retaining walls, construction, maintenance and repair, riprapping—~~all water hazard~~
Concrete culverts or other types over 12 feet
Diking, N.O.C.—including oil spill clean-up involving diking and/or ditching work

Tunnels and approaches—including lining, cofferdam work, shaft sinking, and well digging with caisson

Undercrossings and approaches—including lining:))

0201-01 Bridge, trestle, overhead crossing and viaduct: Construction, maintenance and repair

Applies to contractors engaged in the construction, maintenance or repair of bridges, trestles, overhead crossings and viaducts including the foundations and approaches. These types of structures provide a series of spans or arches, or a type of vertical and horizontal framework for a road or railroad passage over an obstacle such as a waterway, wide valley, other roads, or railroads. Work contemplated by this classification includes the construction of approaches, abutments, foundation supports, framework, and includes all concrete, iron or steel, timber, or carpentry work to completion of the project. The approach is the area of ground or roadway built up just before entering onto a structure such as a bridge or trestle. The abutments are the reinforced foundation supports at the end of the approach which will bear much of the weight for the structure. The erection of the structure usually begins at both ends of the approaches and abutments and gradually continues toward the center of the structure. This classification includes activities such as, but not limited to, the placement and securing of piles, beams and members by way of boom or crane, forming columns, piers and supports, tying reinforcing steel, set-up and tear down of forms, pouring and finishing of concrete, installing precast deck supports, decking slabs and nonstructural members, constructing the retaining walls, erecting iron railings, and the installation of suspension cables and cable clamps. This classification also includes shaft sinking, pile driving, caisson and cofferdam work as it is considered an integral part of the structure's foundation and support.

This classification excludes asphalt surfacing/resurfacing on roadways which is to be reported separately in classification 0210 and concrete paving which is to be reported separately in classification 0214.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

0201-04 Breakwater, jetty, levee: Construction, maintenance and repair

Applies to contractors engaged in the construction, maintenance or repair of a jetty, levee or breakwater. These types of barriers or embankments are very similar to a dike, but involve substantially more construction in that they usually begin away from the water and extend into a body of water and are sometimes used as protection for a harbor to prevent adverse currents from interfering with shipping. Work contemplated by this classification involves building, protecting and/or filling in an embankment or barrier of a river, harbor or other body of water. The predominant activ-

ity involves earth moving or placing of fill or other material. This classification includes, but is not limited to, clearing of land, excavation, filling, and grading and involves earth moving equipment such as, but not limited to, drag lines, graders, scrapers, bulldozers, and dump trucks. Materials include, but are not limited to, dirt, sand, stones or boulders, concrete piles, timber or heavy timber cribbing filled with stones or boulders. Often, the barrier or embankment being built is seeded or paved in part with asphalt, concrete, soil, or cement to assist in strengthening the structure.

This classification excludes pile driving operations in connection with jetty, levee and breakwater operations which are to be reported separately in classification 0202, and asphalt surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

0201-05 Bulkhead retaining walls: Construction, maintenance and repair, riprapping - all water hazard

Applies to contractors engaged in the construction, maintenance or repair of a bulkhead. A bulkhead is a wall or embankment constructed to protect against potential problems such as earth slides, erosion of banks alongside water, or excessive increases in the water level. Work contemplated by this classification involves building, protecting and/or filling in a wall or embankment of a river, harbor or other body of water, or other areas of land. The predominant activity involves earth moving or placing of fill or other material. This classification includes, but is not limited to, clearing of land, excavation, filling, and grading. Equipment used by contractors subject to this classification includes, but is not limited to, drag lines, graders, scrapers, bulldozers, and dump trucks. Materials include, but are not limited to, dirt, sand, stones, boulders, concrete piles, timber or heavy timber cribbing filled with stones or boulders. Often, the wall or embankment being built, or if it already exists, is seeded or paved in part with asphalt, concrete, cement, or soil to assist in strengthening the structure. This classification includes riprap work which is a loose assemblage of broken stones erected in water or on soft ground. Such stone serves as a fill-in material to assist with the building of a dike, levee, or bulkhead.

This classification excludes pile driving operations in connection with bulkhead construction operations which is to be reported separately in classification 0202, and asphalt surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

0201-06 Concrete culverts; aluminum, steel, or other types of culverts over 12 feet

Applies to contractors engaged in the construction or placement of concrete culverts or other types of culverts greater than twelve feet in diameter. A culvert is a sewer or drain running under a road, embankment, or structure such as a bridge. Culverts can be made of material such as, but not limited to, concrete, aluminum, and galvanized steel. Their primary purpose is to channel excess water away from the road, embankment, or structure to assist in preventing water damage or flooding. Work contemplated by this classification includes excavation, laying of sand or gravel, placement of culverts, and filling in the site.

0201-08 Tunnels and approaches

Applies to contractors engaged in the construction of tunnels and approaches including the lining, cofferdam work, shaft sinking, and well digging with caissons. A tunnel is a passage through or under a barrier to be used as a roadway, railway or pedestrian walkway. The approach is the area of ground built up before the entrance of a tunnel or similar type of structure. Work contemplated by this classification includes, but is not limited to, the construction of approaches, shaft sinking, caisson and cofferdam work, boring, the framework or lining, and all concrete, iron or steel, timber, and carpentry work to completion of the project. In some instances, the initial phase of a tunnel project may require that the approaches and abutments be put in place. This may involve extensive excavation and fill work depending on how uneven the terrain is with the proposed tunnel entrances. The abutments are the reinforced foundation supports at the end of the approach and will bear much of the weight at the tunnel entrances. Most often, the abutments will consist of metal beams or concrete with reinforced steel, that are placed vertically, horizontally or at an angle into the ground. The boring of the tunnel may include the removal of earth, rock and water with mechanical equipment, drilling and boring machines, rock drills and chippers, explosives, well drilling with caissons, and the need for pumps and drains piped to the outside of the bore. Occasionally, a cofferdam is erected which is a temporary structure from which water can be pumped or sucked to provide a dry work area during construction of the structure. Once the structural support is complete, the cofferdam is taken apart and removed. As the bore progresses steel I-beams are placed and horizontal beams or solid bar stock are bolted or welded for support. Shielding the bore between the I-beams requires bolting or welding steel plates to the beams. This is followed by filling the gaps between the face of the bore and the shielding with sand or concrete grout. Some tunnels will then be lined with concrete, steel or tile, and lighting, ventilation and drains may be installed.

This classification excludes underground mining operations which are to be reported separately in classification 1702, and asphalt surfacing/resurfacing or concrete paving which is to be reported separately in the classification applicable to the work being performed.

0201-09 Diking, N.O.C.

Applies to contractors engaged in the construction of dikes not covered by another classification (N.O.C.). A dike is a type of protective barrier or embankment which keeps a body of water such as a river in its proper channel and prevents the erosion of banks. Work contemplated by this classification involves building up and/or protecting the embankment. This classification includes, but is not limited to, earth moving work, assemblage of loose stone or rock, placement of sandbags or concrete piles, fill dirt or broken pieces of concrete, or building of crib work which may be filled in with stone or other types of fill. This classification also applies to diking or ditching work in connection with oil spill clean-up such as alongside a river bank or other shoreline.

This classification excludes pile driving operations which are to be reported separately in classification 0202.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-509 Classification 0202.

((Diving operations and subaqueous work, N.O.C.:

Pile driving or concrete piling construction

Wharf, pier, dock and marine railway: Construction, maintenance, and repair.))

0202-02 Pile driving - wood or concrete piling construction

Applies to contractors engaged in pile driving and piling construction. Pile driving involves long sturdy posts or columns of timber, steel, or concrete being driven into the earth as a foundation or support for a structure such as a building, pier or wharf. This type of activity usually occurs when a portion of the structure is going to be under water, in mud, at a site where the ground is soft or unstable, or when the structure is expected to be of extraordinary weight. Work contemplated by this classification includes driving wood or steel beams, driving concrete columns, shaft sinking or caisson work, stacking of concrete piles, erection of a cofferdam, and includes all cross beaming, decking, and similar carpentry incidental to, and connected with, pile driving operations as part of the foundation construction project. Shaft sinking is removal of earth from a hole with a relatively small diameter and usually at a considerable depth. The cofferdam is a temporary structure from which water can be pumped or sucked to provide a dry work area during construction of the foundation or substructure. Once the foundation support is complete, the cofferdam is taken apart and removed.

This classification excludes diving operations or activities which are to be reported separately in classification 0202-04.

Special note: Pile driving projects could occur on or adjacent to navigable waters (harbors, rivers, canals) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the

work activities from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, pile driver or dredge, a barge, or a pontoon (which is a flat bottom boat) or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock, pier, or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, pile driving projects involve a variety of types of work crews such as those working from a floating derrick or pile driver, a barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

0202-03 Wharf, pier, dock and marine railway: Construction, maintenance and repair

Applies to contractors engaged in the construction, maintenance or repair of piers, wharves, docks and marine railways. A pier or wharf is a platform extending from a shore over water and supported by piles or pillars. A dock is the area between two piers or alongside a pier or wharf. These types of platforms are for vessels to tie up and provide an area for loading, unloading, or repairing vessels. Most often, the construction of such platforms will include the foundation or substructure being under water or mud, and the remainder of the platform being exposed above the water or mud. Work contemplated by this classification includes, but is not limited to, construction of the foundation or substructure which consists of shaft sinking, pile driving, stacking of piles and/or erection of a cofferdam, and includes all concrete, steel or carpentry work after the foundation or substructure is built to completion of the project. Shaft sinking involves the removal of earth from a hole with a relatively small diameter and usually at a considerable depth. Pile driving involves long sturdy posts or columns of timber, steel, or concrete being driven into the earth as a foundation or support for the structure. The cofferdam is a temporary structure from which water can be pumped or sucked to provide a dry work area during construction of the foundation or substructure. Once the foundation support is complete, the cofferdam is taken apart and removed. This classification also includes caisson work as part of the construction for the foundation or substructure support.

This classification excludes diving operations or activities which are to be reported separately in classification 0202-04.

Special note: The construction of piers, wharves, docks and marine railways could occur on or adjacent to navigable waters (harbors, rivers, canals) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform the work activities

from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick, floating barge, a pontoon (which is a flat bottom boat) or portable float. Workers who perform the work activities from the shoreline or from adjacent areas such as an existing dock, pier, or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Usually, these types of projects involve a variety of work crews such as those working from a floating derrick or barge, a pontoon, a shoreline pile crew, workers inside the cofferdam, as well as the maintenance and repair of the construction material or equipment. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

0202-04 Diving operations and subaqueous work, N.O.C.

Applies to establishments engaged in diving operations not covered by another classification (N.O.C.). Diving operations such as underwater diving, skin diving or scuba diving are performed in numerous types of uncontrolled environments such as the ocean, harbors, bays, dams, lakes, as well as controlled environments such as swimming pools or aquarium tanks. Work contemplated by this classification includes, but is not limited to, marine salvage and wreckage, underwater mining and sweeping, underwater construction or demolition, installation, repair and/or inspection of wharves, piers, and docks, inspection of ships, barges, and other vessels, subaqueous harvesting of geoduck, sea cucumbers, or similar marine life, underwater exploration, as well as diving instruction. Classification 0202 includes all diving activities with the following exception: Diving instructors who provide instructional lessons in a controlled environment such as a swimming pool may be reported separately in classification 6209 provided accurate time records are maintained for the instructional lesson hours. Failure to maintain accurate time records will result in the hours in question being assigned to classification 0202 without a division of hours between the two classifications.

Special note: Many diving operations and activities occur on or adjacent to navigable waters (a harbor, river, canal, dam, lake) which is defined as those which form a continuous highway for interstate or international commerce. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from on board a vessel could be subject to the Admiralty Law which recognizes such work crews and workers as a master or member of a vessel, and subject to federal law known as the Jones Act. Every person on board a vessel is deemed a seaman if connected with the operation while on navigable water. The term vessel has been interpreted by the courts to include any type of man-made floating object such as a floating derrick or dredge, a boat or ship, a barge, or type of pontoon (which is a flat bot-

tom boat) or portable float. Workers who perform diving activities (to include divers, deck hands, or "diving tenders" who are support personnel such as line handlers and pump persons) from the shoreline or from adjacent areas such as an existing dock, pier or bridge may or may not be subject to federal law covered under the U.S. Longshore and Harbor Workers Act. Care should be exercised prior to assignment of this classification as the workers could be subject to either or both of these acts. The criteria used in determining federal law and coverage is based on the most current federal court decisions and case law.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-50908 Classification 0210.

~~((Construction: Asphalt paving or surfacing—streets or roadways~~

~~This classification covers all forms of asphalt paving, repaving, surfacing, resurfacing, and sawing or cutting operations performed in connection with highway, street or roadway projects.))~~

0210-00 Asphalt paving or surfacing: Highway, street or roadway

Applies to contractors engaged in forms of asphalt paving or surfacing, resurfacing, scraping, sawing, cutting or patching operations performed on or in connection with new or existing highway, street, or roadway projects including approaches and bridges. The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification is limited to laying crushed stone, placement of expansion joints, application of oil or other adhesive bonding materials, and the surface spreading and rolling of crushed aggregate. Equipment used by a contractor subject to this classification includes, but is not limited to, scrapers, graders, rollers, paving machinery, oil trucks and dump trucks.

This classification excludes preliminary roadbed or roadside construction such as clearing of right of ways, establishing grades, subsurfaces or sub bases which is to be reported separately in classification 0101; asphalt surfacing/resurfacing not in connection with highway, street or roadway projects which is to be reported separately in classification 0212; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and concrete construction which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-50910 Classification 0212.

~~((Construction: Asphalt paving or surfacing, N.O.C. This classification covers asphalt paving, repaving, surfacing, resurfacing, and sawing or cutting operations not in connection with highway, street or roadway projects such as but not limited to parking lots, alleys, runways,~~

~~landing strips, driveways, walking paths, bicycle trails, tennis courts, playgrounds, and golf cart paths:))~~

0212-00 Asphalt paving or surfacing, N.O.C.

Applies to contractors engaged in asphalt paving or surfacing not in connection with highway, street, or roadway projects not covered by another classification (N.O.C.). This classification covers all forms of asphalt paving or surfacing, resurfacing, scraping, sawing, cutting or patching operations not in connection with highway, street, or roadway projects such as, but not limited to, parking lots, airport runways and landing strips, driveways, walking paths, bicycle trails, tennis courts, playgrounds, and golf cart paths. The process begins after the land grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification includes the laying of crushed stone, placement of expansion joints, application of oil or other adhesive bonding materials, and the surface spreading and rolling of crushed aggregate. Equipment used by a contractor subject to this classification includes, but is not limited to, scrapers, graders, rollers, paving machinery, oil trucks and dump trucks. This classification also applies to the application of various types of cushion surfaces for playgrounds.

This classification excludes the preliminary clearing of land, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt surfacing/resurfacing in connection with highway, street, or roadway projects which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219; and concrete construction which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-50912 Classification 0214.

~~((Construction: Concrete paving and repaving—streets or roadways~~

~~Construction: Concrete curbs, gutters, and sidewalks—streets or roadways~~

~~Construction: Concrete median walls and retaining walls—streets or roadways~~

~~Construction: Concrete sawing, drilling and cutting—streets or roadways~~

~~This classification includes the set up and tear down of forms, pouring, and finishing of concrete operations performed on or in connection with highway, street or roadway projects:))~~

0214-00 Concrete paving and repaving: Highways, streets or roadways

Applies to contractors engaged in concrete paving and repaving of highways, streets, or roadways including approaches and bridges. This classification covers all forms of concrete paving, repaving, scraping, sawing, drilling or cutting operations in connection with a highway, street or roadway project, including the construction of curbs, gutters, sidewalks, median walls and retaining walls when performed as part of the roadway paving or repaving project. The pro-

cess begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification includes the laying of crushed stone, placement of reinforcing steel or expansion joints, grading or rolling stone base, set-up and tear down of forms, pouring, and finishing of concrete. Equipment used by a contractor subject to this classification includes, but is not limited to, scrapers, graders, rollers, paving machinery, water trucks and dump trucks.

This classification excludes preliminary roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt paving, surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

0214-01 Concrete curbs, gutters, and sidewalks: Construction and repair in connection with highways, streets or roadways

Applies to contractors engaged in the construction or repair of concrete curbs, gutters, and sidewalks in connection with highways, streets, or roadways including approaches and bridges. The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification includes the set-up and tear down of forms, placement of reinforcing steel or expansion joints, and the pouring and finishing of concrete.

This classification excludes preliminary roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt paving, surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

0214-02 Concrete median walls and retaining walls: Construction and repair in connection with highways, streets or roadways

Applies to contractors engaged in the construction or repair of concrete median (divider) walls and retaining walls in connection with highway, street, or roadway projects including approaches and overpasses. The process begins after the roadbed or roadside grade has already been established and the subsurface or sub base has been prepared. Work contemplated by this classification includes the set-up and tear down of forms, placement of reinforcing steel or expansion joints, and the pouring and finishing of concrete to form median or divider walls, median strips, or retaining walls alongside the roadway.

This classification excludes the preliminary land excavation of a retaining wall area, as well as roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which are to be reported separately in classification 0101; asphalt paving, surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

0214-03 Concrete sawing, drilling, and cutting: In connection with highways, streets or roadways

Applies to contractors engaged in concrete sawing, drilling and cutting in connection with concrete highway, street, or roadway projects including concrete curbs, gutters, sidewalks, median walls and retaining walls. These activities occur on new or existing roadway and related projects such as, but not limited to, the sawing, cutting and drilling for manholes, drainage grates, poles or posts, exposing underground utility lines and systems, and repairing defective areas.

This classification excludes preliminary roadbed or roadside construction such as clearing right of ways, establishing grades, subsurfaces or sub bases which is to be reported separately in classification 0101; asphalt paving, or surfacing/resurfacing which is to be reported separately in the classification applicable to the work being performed; concrete flatwork not in connection with highway, street, or roadway projects which is to be reported separately in classification 0217; and construction specialty services such as the installation of guardrails, lighting standards and striping which are to be reported separately in classification 0219.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-50915 Classification 0217.

~~((Construction: Concrete flatwork, N.O.C.~~

~~Construction: Concrete foundation and flatwork of wood structural buildings~~

~~Construction: Concrete sawing, drilling and cutting, N.O.C.~~

~~This classification applies to concrete foundation and flatwork in connection with wood structural buildings not to exceed three stories in height and includes the set-up and tear-down of forms, pouring, and finishing of concrete footings, stem walls, floor pads, cellar or basement floors, garage floors, sidewalks, walkways, driveways, patios and swimming pools. This classification also includes other types of concrete flatwork such as sidewalks, walkways, pathways, swimming pools, and curbs and gutters including the set-up and tear-down of forms, placement of reinforcing steel or wire mesh, pouring and finishing. This classification includes concrete sawing, drilling, and cutting unless specified elsewhere~~

~~This classification excludes all concrete work contained within a concrete, masonry, iron or steel frame building or structure such as the foundation, floor slabs, precast or~~

~~poured-in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself. This classification also excludes all concrete or asphalt work such as sidewalks, curbs, gutters, retaining walls, and sawing or cutting operations performed on or in connection with highway, street or roadway projects.))~~

0217-00 Concrete flatwork - construction and/or repair: N.O.C.

Applies to contractors engaged in the construction and/or repair of concrete flatwork not covered by another classification (N.O.C.) such as, but not limited to, walkways, pathways, fences, and curbing. Work in this classification includes the set-up and tear down of forms, placement of reinforcing steel and wire mesh, and the pouring and finishing of concrete.

This classification excludes land clearing and excavation which is to be reported separately in classification 0101; concrete work performed on or in connection with highway, street, or roadway projects including sidewalks, curbs, gutters, median or retaining walls, sawing, drilling, or cutting operations which is to be reported separately in classification 0214; and concrete work contained within a concrete, masonry, iron or steel frame building or structure such as the foundation, floor slabs, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself which is to be reported separately in classification 0518.

0217-01 Concrete foundation and flatwork construction and repair: Wood structural buildings

Applies to contractors engaged in the construction and/or repair of concrete foundation and flatwork for wood structural buildings not to exceed three stories in height. This classification includes the set-up and tear down of forms, placement of reinforcing steel and wire mesh, pouring, and finishing of concrete footings, stem walls, floor pads, cellar or basement floors, garage floors, swimming pools and ponds. This includes incidental concrete work such as walkways or driveways when performed by a foundation contractor.

This classification excludes land clearing and excavation which is to be reported separately in classification 0101; concrete work performed on or in connection with highway, street, or roadway projects including sidewalks, curbs, gutters, median or retaining walls, sawing, drilling, or cutting operations as part of the roadway which is to be reported separately in classification 0214; and concrete work contained within a concrete, masonry, iron or steel frame building or structure such as the foundation, floor slabs, precast or poured in place bearing floors or wall panels, columns, pillars, metal erection or any other portion of the building or structure itself which is to be reported separately in classification 0518.

0217-02 Concrete sawing, drilling and cutting, N.O.C.

Applies to contractors engaged in concrete sawing, drilling and cutting not covered by another classification (N.O.C.), including repairs. Work contemplated by this classification includes concrete sawing, drilling and cutting oper-

ations in connection with wood frame and nonwood frame buildings or structures, including flatwork such as, but not limited to, foundations, walkways, driveways, patios and swimming pools which may or may not be part of the building or structure. Activities include, but are not limited to, the sawing, cutting and drilling for ventilation boxes in the footings or stem walls, cut outs for windows or door ways, preparation to mount brackets for stairways or interior bearing walls, cutting interior walls as part of a building renovation project, cut outs for electrical and switch boxes, and repairing defective areas.

This classification excludes concrete sawing, drilling, and cutting operations performed on or in connection with highway, street, or roadway projects including sidewalks, curbs, gutters, median or retaining walls as part of roadways which are to be reported separately in classification 0214; bridge construction which is to be reported separately in classification 0201; and new dam construction which is to be reported separately in classification 0701.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-50917 Classification 0219.

~~((Construction specialty services, N.O.C.—including the installation of guardrails, lighting standards and striping:))~~

0219-00 Construction specialty services, N.O.C.

Applies to contractors engaged in the installation or removal of highway, street, or roadway lighting, signs, guardrails, roadside reflectors, lane buttons or turtles, or lane markers not covered by another classification (N.O.C.). Usually, these activities occur as finishing touches after new or existing roadways are paved or surfaced. Roadway lighting includes traffic signal lights, and halogen or mercury vapor lights mounted to metal standards erected alongside the roadway. Signs (such as speed limit, road condition, city and town mile destination) are mounted on overpasses or on wood or metal poles erected alongside the roadway. Guardrails include metal barriers mounted on wood or metal poles driven into the roadside shoulder. Lane markers, lane buttons or turtles consist of small reflectors, or chips of plastic or concrete attached to the road with an adhesive bonding material. This classification includes the related hook-up of power to the light standard.

This classification excludes the installation of power lines that feed into power poles which is to be reported separately in the applicable construction classification for the work being performed.

Special note: This classification excludes exterior sign erection, repair, or removal not in connection with displaying highway, street, or roadway information or conditions even though such signs may be erected or placed alongside roadways (such as advertisement bill boards, business, or personal property signs) which is to be reported separately in classification 0403.

0219-01 Construction specialty services

Applies to contractors engaged in specialty services such as the painting or striping of highways, streets, roadways, or

parking lots not covered by another classification (N.O.C.). This classification includes painting, striping, numbering, or lettering highways, streets, roadways, parking lots, parking garages, airport runways, taxi ways, curbs, roadway dividers or median strips, and special traffic areas such as fire, bus, handicap, and no parking zones. The paint or other material used for these markings is usually applied to the surface using a mechanical device, either self-propelled or towed by a truck or other motor vehicle. In some instances, the paint will be applied manually with brush or roller which is included in this classification. This classification includes the application of asphalt sealants to roadways or parking lots. This classification also includes concrete barrier installation, in connection with road construction, by a concrete barrier rental business or by a flagging contractor who also supplies the concrete barriers. This includes the flaggers who are necessary during the installation of the barriers as well as any flaggers the company supplies to the road construction project itself.

This classification excludes the interior painting of buildings which is to be reported separately in classification 0521, the exterior painting of buildings or structures which is to be reported separately in classification 0504; the rental of the concrete barriers and other flagging equipment which is to be reported separately in classification 6409; and flaggers who are not employed by a concrete barrier rental business or by a flagging contractor who also supplies the concrete barriers which are to be reported separately in classification 7116 or 7118 as appropriate.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-510 Classification 0301.

~~((Agricultural sprinkler/irrigation systems, N.O.C.—Above or below ground—installation, service or repair
Landscape operations: Lawn, tree, shrub and garden
Lawn type sprinkler systems installation, service or repair
Landscape work, N.O.C.~~

This classification applies to new landscape construction or renovation projects such as the laying out of the grounds, mixing or spreading of top soil, planting or replanting grass from seed or sod, planting of trees and shrubs, spreading bark or decorative rock, and the construction of incidental arbors, trellis, or concrete borders:))

0301-04 Lawn type sprinkler systems: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of lawn type sprinkler systems. This type of activity is performed by landscaping contractors, plumbing contractors, and irrigation specialist contractors. Generally, lawn type sprinkler systems are installed at private residences or commercial businesses. The process involves identifying the area of land to be covered to determine the size and amount of pipe and sprinkler heads needed for the job. The installation involves cutting a trench in the ground (12" to 18" deep and wide enough to accommodate the pipe) with a vibrating plow or pipe pulling machine. Next, pipe is laid in the trench, glued, or otherwise joined, heads and canisters are

installed, and the timer is hooked up. The system is checked for leaks, needed adjustments are made, and the pipe and heads are buried.

This classification excludes open canal type irrigation systems which are to be reported separately in classification 0108; the installation, service or repair of above or below ground agricultural/irrigation systems which is to be reported separately in classification 0301-06; and maintenance and cleaning of lawn sprinkler system pipes and heads done in connection with a landscape maintenance contract which is to be reported separately in classification 0308.

0301-06 Agricultural sprinkler/irrigation systems, N.O.C.: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of above or below ground agricultural sprinkler and irrigation systems not covered by another classification (N.O.C.). The more common types of systems include below ground, fixed or movable, and wheel or impulse. Generally, these types differ from lawn sprinkler systems in that the size of pipes and pumps installed are much larger to produce the water pressure needed to irrigate large areas of land. Installation of below ground systems involves the use of trenching equipment to dig trenches, which are usually more than two feet deep to lay pipe. The above ground systems are laid out and assembled based on the need of the land area.

This classification excludes open canal type irrigation systems which are to be reported separately in classification 0108, and the installation, service or repair of lawn type sprinkler systems which is to be reported separately in classification 0301-04.

0301-08 Landscape construction operations, N.O.C.

Applies to landscape contractors engaged in new landscape construction or renovation projects not covered by another classification (N.O.C.). This classification includes producing a preliminary drawing of the landscape or renovation project, preparing the ground (which may include tilling and spreading top soils or custom mix soils), installing sprinkler systems, planting trees, plants or shrubs, planting or replanting grass from seed or sod, installing ground cover material or plastic to retard weeds, placement of concrete borders, and the incidental construction of rockery, fences, ponds, paths, walkways, arbors, trellis and gazebos when performed by employees of a landscape contractor as part of a landscape contract. Such activities conducted separately from a landscape contract and not part of the landscape project are to be reported separately in the classification applicable to the work being performed. Equipment used by contractors subject to this classification includes, but is not limited to, tractors with till attachments, small front end loaders, trenchers, mowers, fertilizer spreaders, wheelbarrows, and electric power tools.

This classification excludes all grading, clearing, or contouring of land which is to be reported separately in classification 0101; bulkheads not adjacent to water, or similar structures built of rock, which are to be reported separately in classification 0302; and lawn care maintenance or chemical spraying or fumigating which is to be reported separately in classification 0308.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-511 Classification 0302.

((Brick, block, rock and slate work, N.O.C. Masonry, N.O.C., including chimney and fireplace construction.))

0302-01 Brick, block, rock and slate work, N.O.C.

Applies to contractors engaged in interior or exterior brick, block, rock and slate work not covered by another classification (N.O.C.). Included in this classification are projects related to sidewalks, walkways, driveways, patios, steps, pads for wood stoves, flower or planting boxes, fences, inlay for fireplaces, countertops, buffets, full or partial interior or exterior walls, and includes the construction of entire buildings or structures with brick, block or rock products. Work contemplated by this classification includes, but is not limited to, laying and cutting and/or polishing brick, block, rock, slate, marble, granite, and adhering with mortar or tuck pointing (filling and/or finishing brickwork or stonework joints with cement or mortar).

This classification excludes plastering, stuccoing or lathing work which is to be reported separately in classification 0303; tile setting which is to be reported separately in classification 0502; and concrete work which is to be reported separately in the classification applicable to the work being performed.

0302-02 Masonry, N.O.C.

Applies to contractors engaged in interior or exterior masonry work not covered by another classification (N.O.C.), including chimney and fireplace construction. This classification includes lining or relining fireplace walls or boxes, chimneys, blast furnaces, ovens, firepits, and setting tombstones. Work contemplated by this classification includes, but is not limited to, laying and cutting brick or stone, and tuck pointing (filling and/or finishing brickwork or stonework joints with cement or mortar).

This classification excludes plastering, stuccoing or lathing work which is to be reported separately in classification 0303; tile setting which is to be reported separately in classification 0502; and concrete work which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-51101 Classification 0303.

((Plastering, stuccoing and lathing buildings—interior and exterior work, N.O.C.))

0303-00 Plastering, stuccoing and lathing buildings, N.O.C.

Applies to contractors engaged in interior and exterior plastering, stuccoing and lathing work on buildings or structures not covered by another classification (N.O.C.). Work contemplated by this classification includes the lathing work which involves nailing thin wood or metal strips and wire mesh or Styrofoam panels to studs or joists to support the application of plaster or stucco, mixing of plaster or cement

with water, and applying the mixture by hand trowel or low pressure spray apparatus to the lathing material.

This classification excludes masonry or brick work which is to be reported separately in classification 0302; interior painting which is to be reported separately in classification 0521; exterior painting which is to be reported separately in classification 0504; and concrete work which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-512 Classification 0306.

((Boilers, N.O.C., installation, service or repair including boiler scaling and tank erection within buildings

Hot water heater—installation, service, or repair

Plumbing, N.O.C., including incidental side sewer hook ups (street to house) when performed by a plumbing contractor subject to this classification, and only when it is performed as a part of a plumbing contract which includes installation of water lines and waste carry systems within a building; and sewer pipe cleaning including services provided by Roto Rooter or similar service providers engaged in line cleaning or unplugging. Side sewer hookups done as a separate contract is to be reported separately in classification 0101 "excavation"

Pump installation, service or repair, N.O.C.

Sprinkler installation—automatic

Steam pipe, boiler, etc., covering insulation

Water softening or treatment systems—installation of new equipment systems.))

0306-00 Plumbing, N.O.C

Applies to contractors engaged in plumbing work not covered by another classification (N.O.C.). Work contemplated by this classification includes activities such as, but not limited to, rough-in plumbing work as part of new or remodel projects, placement of pipe (plastic, copper or galvanized), cutting and/or threading pipe, soldering, welding or gluing all types of pipe, fittings or valves, installation of fixtures (sinks, showers and tubs, faucets), installation of appliances (dishwashers, hot water tanks, refrigerators with ice and water dispensers), and other necessary plumbing activities in connection with water supplies, water carrying, dispensing, or drainage systems. This classification includes incidental side sewer hook ups (street to house) when performed by a plumbing contractor subject to this classification, and only when it is performed as a part of a plumbing contract which includes installation of waste lines and waste carry systems within a building; and sewer pipe cleaning including services provided by service providers engaged in cleaning or unplugging waste lines.

This classification excludes side sewer hook ups performed as part of an excavation contract which are to be reported separately in classification 0101, and underground water line or water main construction which is to be reported separately in classification 0107.

Special note: This classification includes the installation of display areas or showrooms which provide prospec-

tive customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractor stores his materials. It is common for contractors subject to this classification to sell plumbing fixtures and supplies, but the intent of these areas is not to sell products to walk-in customers. Sale of these products by a plumbing contractor is included in classification 0306. Classifications 2009, 6309, or similar store classifications are not to be assigned to a contractor's business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided the conditions of the standard exception general reporting rule have been met.

0306-02 Automatic sprinkler systems or fire extinguishing systems: Installation, service or repair within buildings

Applies to contractors engaged in the installation, service or repair of automatic sprinkler or fire extinguishing systems within buildings. Work contemplated by this classification includes installation of pipe, fittings, couplings, valves, hangers, regulators, and alarms in ceilings, walls and floors, and cutting and/or threading pipe. These systems are usually equipped to release dry chemicals or water automatically when the surrounding temperature exceeds a predetermined limit.

This classification excludes contractors engaged in the installation, service or repair of outside lawn type and agricultural/irrigation sprinkler systems who are to be reported separately in classification 0301, and contractors engaged in all types of general plumbing installation or repair work who are to be reported separately in classification 0306-00.

0306-03 Boilers, steam pipes, water pipes, heating ducts: Installation of covering insulation

Applies to contractors engaged in the installation of insulated covering on boilers, steam pipes, water pipes and heating ducts to help them retain heat. A boiler is a type of enclosed storage tank erected within a building which heats and circulates extremely hot water or converts hot water into steam. Contractors subject to this classification may also install water jets inside the tanks.

This classification excludes contractors primarily engaged in the erection of boiler tanks who are to be reported separately in classification 0306-04, and the removal of asbestos from boilers which is to be reported separately in classification 0512.

0306-04 Boilers, N.O.C.: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of boilers not covered by another classification (N.O.C.), including boiler scaling and tank erection within buildings. A boiler is a type of enclosed storage tank erected within a building which heats and circulates extremely hot water or converts hot water into steam. Work contemplated by this classification includes the erection and/or installation of the boiler or tank (which is above ground), pipes, tubing, ducts, heating units, valves, headers, jets and insulation coverings. Also included is the process of boiler scaling which is the removal of scales or residue from the tank or pipes using chemicals, steam or mechanical methods.

This classification excludes contractors primarily engaged in covering a boiler and pipes with insulation covering who are to be reported separately in classification 0306-03, and the erection of exterior tanks which is to be reported separately in classification 0508.

0306-05 Pump installation, service or repair, N.O.C.

Applies to contractors engaged in the installation, service or repair of pumps related to water or waste carrying systems, and which are not covered by another classification (N.O.C.). Work contemplated by this classification applies to all types of water or sump pumps in connection with residential or commercial settings, water wells, and irrigation and drainage systems. A pump is a device that siphons or transfers material from one source or container to another. Activities include pump installation or repair services related to a building's water lines and water carrying systems, plumbing fixtures, dispensers, swimming pools and hot tubs, water wells, and agricultural or irrigation systems.

This classification excludes the installation of water pumps in connection with drilling operations which is to be reported separately in classification 0103; the installation or repair of service station pumps which is to be reported separately in classification 0603; and contractors engaged in all types of general plumbing installation or repair work who are to be reported separately in classification 0306-00.

0306-06 Water softening or treatment systems - installation of new equipment systems

Applies to establishments engaged in the installation of plumbing lines for new water conditioning, purifying or softening systems. Establishments providing this type of service are not required to be a "licensed plumber" to do the installation; however, it does involve plumbing work. The installation involves cutting the water line between the water source and the building or home. The line is cut with a hacksaw, reciprocating saw, or copper tube cutter, depending on the type of pipe involved. After the line is cut, the water source is connected to the intake of the system and the building or home is connected to the outlet of the system with supply and return lines. The bypass unit will allow the water to remain hard for the outside faucet. A small rubber hose is installed under the house into the drain. Occasionally, a sump pump is needed. For plastic pipes, glue is used to seal the connections. On copper pipes, soldering equipment is used to secure the connections. Water softening is a process by which the water passes through a resin tank where calcium ions are exchanged for sodium ions, resulting in "soft" water. Periodically, the resin is recharged by "back flushing" with a saturated salt solution from another tank. Installations of this type include the two tanks, pressure regulators, valves, and in new facilities an automatic timer.

Special note: This classification allows for the service or repair of water softening or treatment systems to be reported separately in classification 0607 provided accurate time records are maintained which distinguishes new installation contract work from service or repair contract work.

0306-07 Hot water heater: Installation, service or repair

Applies to contractors engaged exclusively in the installation, service or repair of hot water heater units. Work con-

templated by this classification includes removal of old units and the installation of new or replacement units. This includes activities such as disconnecting hot heater units, removal of plastic, copper or galvanized water pipes, installing or setting up new or replacement units, installing new pipes, cutting and/or threading pipe, soldering, welding or gluing all types of pipe, fittings or valves, filling and testing the new or replacement units, and wrapping hot water heaters with insulation blankets.

This classification excludes contractors engaged in all types of general plumbing work, or when the installation, service or repair of a hot water heater unit is performed as part of a general plumbing contract which is to be reported separately in classification 0306-00.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-513 Classification 0307.

~~((Ventilating, air conditioning and refrigeration systems, installation, service and repair, N.O.C.~~

~~Furnaces, installation, service and repair including duct work cleaning~~

~~Heating systems, installation, service and repair including solar heating systems~~

~~Wood stove installation excluding masonry work which is to be reported separately in classification 0302-~~

~~See classification 3404 for sheet metal shop work-))~~

0307-01 Furnaces and heating systems: Installation, service or repair

Applies to contractors engaged in the installation, service, or repair of furnaces and heating systems, including duct work, in all types of residential and commercial settings. These services are generally performed by furnace contractors, heating and ventilation contractors, or sheet metal contractors. Work contemplated by this classification includes the fabrication, erection, installation and duct work performed at the job site. Materials include, but are not limited to, gas or electric furnace units, heater units, heat pumps, air purification systems, fireplace inserts or units, hot water tanks, thermostats, flat sheets of metal, vents, preformed or bent venting duct and pipe, vent collars and reels, fittings, galvanized pipe, insulation wrap, concrete pads and gas logs. Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the construction site are to be assigned classification 3404 for the shop fabrication work. When a contractor's business is assigned classification 3404 for shop operations, then classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes sheet metal fabrication shops which are to be reported separately in classification 3404; duct cleaning work which is to be reported separately in classification 1105; installation or repair of ventilation, air conditioning and refrigeration systems which is to be reported separately in classification 0307-04; or the installation of wood stoves which is to be reported separately in classification 0307-05.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell furnace and heating system materials and accessories, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a furnace and heating systems contractor are included in classification 0307. Classification 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided the conditions of the standard exception general reporting rule have been met.

0307-04 Ventilating, air conditioning and refrigeration systems: Installation, service or repair, N.O.C.

Applies to contractors engaged in the installation, service, or repair of ventilating, air conditioning and refrigeration systems not covered by another classification (N.O.C.), including duct work at the job site in all types of residential and commercial settings. These services are generally performed by heating and ventilation contractors, refrigeration contractors, or sheet metal contractors. Work contemplated by this classification includes the fabrication, erection, installation and duct work performed at the job site. Materials include, but are not limited to, air conditioning units, refrigeration systems, air purification systems, hoods and protective metal covers, hot water tanks, flat sheets of metal, vents, preformed or bent duct portions, vent collars and reels, thermostats, fittings, galvanized pipe, insulation wrap, and concrete pads. This classification includes the installation or repair of built-in vacuum systems and air (pneumatic) tube systems, such as those at drive-up teller windows. Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the construction site are to be assigned classification 3404 for the shop fabrication work. When a contractor's business is assigned classification 3404 for shop operations, then classification 5206 "Permanent yard or shop" is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes sheet metal fabrication shops which are to be reported separately in classification 3404; installation or repair of furnace or heating systems which is to be reported separately in classification 0307-01; and the installation of wood stoves which is to be reported separately in classification 0307-05.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell ventilating and air conditioning equipment and materials, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a ventilating and air conditioning contractor are included in classification 0307. Classification 2009, 6309, or similar

store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided the conditions of the standard exception general reporting rule have been met.

0307-05 Wood, pellet, or gas stove: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of wood, pellet or gas stoves in all types of residential and commercial settings. Work contemplated by this classification includes the fabrication, installation and duct work performed at the job site. Materials include, but are not limited to, wood, gas or pellet stoves, inserts, heater units, protective metal covers or hoods, gas fireplace logs, preformed or bent venting duct and pipe, or vents and vent collars. Contractors who operate a sheet metal fabrication shop or who prefabricate the duct systems in a shop away from the installation site are to be assigned classification 3404 for the shop fabrication work. When a contractor's business is assigned classification 3404 for the shop operations, then classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes wood stove and accessory stores which are to be reported separately in classification 6309; stove manufacturing which is to be reported separately in classification 5209; sheet metal fabrication shops which are to be reported separately in classification 3404; brick or masonry work which is to be reported separately in classification 0302; and the installation or repair of furnace or heating systems which is to be reported separately in classification 0307-01.

Special note: This classification includes the installation of display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell wood stove installation materials and accessories, but the intent of these areas is not to sell products to walk-in customers. Sales of these products by a wood stove installation contractor are included in classification 0307. Classifications 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided the conditions of the standard exception general reporting rule have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-51301 Classification 0308.

((Chemical spraying and fumigating

Lawn care: Maintenance

Lawn care is limited to maintenance or care of established lawns and gardens. Work activities include mowing and thatching lawns, edging, weeding flower beds, raking, rototilling gardens, application of fertilizers, and spray-

~~ing and trimming of shrubs. This classification includes minor landscape renovation and/or restoration activities incidental to and performed as part of the landscape maintenance contract of an existing lawn or landscape such as the removal and replacement of plants, turf repair or reseeding of grass, and the addition of topsoil or bark. This classification also includes the maintenance and cleaning of lawn type sprinkler systems which is incidental to the lawn care maintenance contract but excludes installation or repair of lawn and/or irrigation sprinkler systems. This classification excludes new landscape construction and installation operations which are to be reported separately in classification 0301. Classifications 0308 and 0301 may be assigned to the same business as set forth in WAC 296-17-410 provided accurate records are maintained which distinguishes lawn care maintenance and restoration contracts from new landscape construction and installation contract projects.))~~

0308-00 Chemical spraying and fumigating

Applies to establishments engaged in providing chemical spraying and fumigating services only to established residential landscaping and commercial properties. Work contemplated by this classification includes, but is not limited to, the application of various liquid and granular chemicals (fertilizers, herbicides, pesticides, insecticides, iron, nitrogen, slow release food stakes) for use on grass, plants, shrubs, flowers, trees, moss, ivy or weeds. Employees of establishments subject to this classification arrive at the location site in a tank truck equipped with a premixed solution that is dispensed with a spray hose, or by fertilizer spreaders, injection guns, and back pack dispensers.

This classification excludes chemical spraying of roadway median strips by nonmunicipal employees adjacent to state, city or town roadways which is to be reported separately in classification 0101; chemical spraying done in connection with forest roads or reforestation projects which is to be reported in the applicable forestry classification; pest and termite control which is to be reported separately in classification 6602; chemical spraying and fumigating by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; chemical spraying of agricultural farms or orchards which may be reported separately in classification 4808 or in the agricultural classification applicable to the employer's operation; and crop dusting by aircraft which is to be reported separately in classification 6903.

0308-01 Lawn care maintenance

Applies to contractors engaged in maintenance of established lawns and gardens. Work contemplated by this classification includes, but is not limited to, mowing and thatching lawns, edging, weeding flower beds, raking, rototilling gardens, application of fertilizers, and spraying and trimming of shrubs. Also included is minor landscape renovation and/or restoration activities incidental to, and performed as part of, the lawn care maintenance contract for an existing lawn or landscape such as the removal and replacement of plants, turf repair or reseeding of grass, and the spreading of decorative rock, topsoil, or bark. This classification includes replace-

ment of sprinkler heads and cleaning of lawn type sprinkler systems only when performed in connection with and incidental to the lawn care maintenance contract. Equipment used by contractors subject to this classification includes, but is not limited to, riding or power lawn mowers, power sweepers, edgers, thatchers, weed eaters, grass blowers, fertilizer spreaders, sprayers, gas or electric power tools, and hand tools.

This classification excludes new landscape construction which is to be reported separately in classification 0301; tree care and pruning services which are to be reported separately in classification 0101; grading, clearing, or contouring of land which is to be reported separately in classification 0101; installation, service or repair of lawn type sprinkler systems which is to be reported separately in classification 0301; and the installation, service or repair of above or below ground agricultural irrigation systems which is to be reported separately in classification 0301.

Special notes: Classifications 0308 and 0301 may be assigned to the same business provided that the conditions of the general reporting rule covering the operation of a secondary business have been met.

Care should be exercised in the assignment of this classification when tree services are included. Tree care service contracts generally call for the radical topping, pruning or cutting of tree limbs to remove or eliminate a hazard to buildings, property, or power lines. Tree trimming as part of this classification is only for the purpose of shaping and maintaining healthy trees and to control size for the visual relationship to other landscape material.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-516 Classification 0403.

((Sign erection, painting, repair and maintenance or removal, including shop operations

Sign painting or lettering outside buildings or structures, N.O.C., including shop operations

Street and building decorating, hanging flags or bunting.))

0403-00 Sign: Erection, repair, and/or removal, including related painting and maintenance

Applies to contractors engaged in the erection, repair, and/or removal of signs, including related painting and maintenance. Signs include, but are not limited to, commercial business or personal property signs, advertisement billboards, poster panels erected at commercial or residential properties, private properties, buildings or structures, or open spaces. Signs may be made of wood, metal, plastic, glass, or neon tube. Free standing sign erection process begins with digging or drilling holes in which to stand or set poles or posts. The sign is attached to the pole or post prior to standing or is lifted with a boom or crane to be mounted and secured. Other signs are mounted and secured directly to buildings or structures. This classification includes the related electrical hook-up work to install neon and digital signs such as those located at banks and stores including the maintenance, repair, and painting of signs at the customer's location or at the contractor's shop.

This classification excludes the installation or removal of highway, street, or roadway signs that specify roadway information (such as speed limits, road conditions, city and town mile destinations) which are mounted on overpasses or erected alongside the roadway which are to be reported separately in classification 0219; the placement of temporary signs which is to be reported separately in classification 4910; or the manufacturing of signs which is to be reported separately in the applicable classification.

0403-10 Sign painting or lettering outside buildings or structures, N.O.C.

Applies to contractors engaged in sign painting or lettering outside buildings or structures not covered by another classification (N.O.C.), and includes all contractor's shop operations. Generally, this classification involves specialty lettering or painting such as, but not limited to, business logos, addresses, business hours or phone numbers, murals or other artwork.

This classification excludes contractors engaged in the installation or removal of highway, street, or roadway signs that specify roadway information (such as speed limits, road conditions, city and town mile destinations) which are mounted on overpasses or erected alongside the roadway which are to be reported separately in classification 0219; striping parking lots and painting curbs (and numbering on curbs) which is to be reported separately in classification 0219; sign painting or lettering inside of buildings, including inside murals or other artwork, which is to be reported separately in classification 4109; exterior painting of buildings or structures which are to be reported separately in classification 0504; painting or lettering in connection with an automotive body shop which is to be reported separately in classification 3412; and the erection, repair or removal of outdoor signs which is to be reported separately in classification 0403-00.

0403-11 Street and building decoration: Hanging or removing flags or bunting

Applies to establishments engaged in hanging or removing flags or bunting for conventions, celebrations, events, or similar decorations on the exterior or interior of buildings, structures, or streets. Buntings are strips of decorative cloth which may be used to span a roadway to promote events, as overhead streamers at an auto sales lot, or as a sign hung on a building to advertise grand openings.

This classification excludes the manufacture of flags or bunting which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-517 Classification 0502.

((Rug, linoleum, tile and other types of floor or drainboard covering installation excluding hardwood floor installation which is to be reported separately in classification 0513.))

0502-04 Rug, linoleum, tile and other floor or drainboard covering: Installation or removal

Applies to contractors engaged in the installation or removal of floor or drainboard coverings such as, but not limited to, rugs, wall to wall carpet, linoleum, vinyl, laminate, tile, parquet or astroturf in residential or commercial settings. Work contemplated by this classification includes, but is not limited to, the installation and/or removal of foam or rubber padding, floor coverings such as rugs or carpet, tack strips, door strips, subflooring (particle board or plywood), linoleum, vinyl, base board or door strips, and hauling existing floor covering debris away. This classification also includes the installation of counter tops and the installation of clay or ceramic tiles on drainboards and backsplashes.

This classification excludes contractors engaged in the installation of counter tops as part of an interior finish carpentry or cabinetry contract which is to be reported separately in classification 0513; the installation of hardwood floors which is to be reported separately in classification 0513; the installation of decorative brick, slate, marble or granite which is to be reported separately in classification 0302; installation of roofing tiles which is to be reported separately in classification 0507; and floor covering stores which are to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-519 Classification 0504.

((Painting: Building exteriors, N.O.C.

Painting: Structure exteriors, N.O.C.

Pressure washing services, N.O.C. — buildings or structures

Sandblasting, N.O.C. — buildings or structures

Waterproofing, N.O.C. — buildings or structures

This classification involves painting the exterior of buildings or structures and includes all preparation work such as the set-up of scaffolding or power lifts, pressure washing, sandblasting, taping or masking, clean up work and shop operations related to such projects described by this classification. This classification also includes cleaning of gas or oil storage tanks and beer vats.))

0504-06 Waterproofing, N.O.C.: Buildings or structures

Applies to contractors engaged in waterproofing buildings or structures not covered by another classification (N.O.C.), including shop operations. This classification includes the application and repair services of waterproofing material to all types of buildings or structures, regardless of height, including, but not limited to, foundations and foundation walls, floors, decks, fences, walkways and driveways. Waterproof material is applied to a variety of surfaces such as wood, concrete, asphalt, steel, metal, plaster, or stone. There are several types of waterproof processes: Membrane, which adheres long strips of rubber and pumice to exterior walls or foundations with the use of primer; pressure injection, which uses a long wand inserted into the ground to fill cracks; epoxy injection, which is performed on the interior or exterior with use of a caulk gun to inject a silicon material into cracks; or application with use of a brush, roller or spray directly onto the surface.

This classification excludes excavation work performed in conjunction with a waterproofing contract which is to be reported separately in classification 0101; waterproofing operations performed in connection with roofing or subaqueous work which is to be reported separately in the classification applicable to the work being performed; the application of waterproof materials performed as part of roadway or parking lot projects which is to be reported separately in the classification applicable to the work being performed; and the application of waterproof materials performed by a concrete contractor as part of the concrete construction project which is to be reported separately in the classification applicable to the work being performed.

Special note: Classification 0101 applies when excavation work is performed (to remove dirt away from a foundation wall or to push it against the wall after the waterproofing material is applied) regardless of the type of contractor performing the excavation work.

0504-18 Pressure washing services or sandblasting, N.O.C.; Buildings or structures

Applies to contractors engaged in pressure washing or sandblasting buildings or structures, not covered by another classification (N.O.C.), including shop operations. This classification includes cleaning, washing, pressure washing or sandblasting buildings or structures. These services are performed to remove dirt, moss, rust or old paint from buildings or structures. Pressure washing involves a forced spray of air and water to remove unwanted surface materials, whereas, sandblasting, or abrasive blasting, involves a forced spray of sand, steel, or glass. This classification includes the cleaning of roofs, gutters, and downspouts, the removal of moss or snow from multiple story buildings, and the cleaning of ceiling tiles. Pressure washing and sandblasting systems include portable blast and pressure cleaning machines, hand-operated, cabinet-type sandblasting or pressure washing machines, automatic blast or pressure cleaning machines and wet-blast cleaning machines.

This classification excludes contractors engaged in multimedia blasting in shop which is to be reported separately in classification 3402; pressure washing or sandblasting by a painting contractor as a part of the preparation for painting exterior buildings, structures, or the interior/exterior of tanks which is to be reported separately in the classification 0504-21; pressure washing as a part of interior building painting contracts which is to be reported separately in classification 0521; cleaning or washing roofs, or removing snow from, single story buildings (provided the cleaning or washing is not part of a painting or roofing contract) which is to be reported separately in classification 6602; waterproofing buildings or structures, N.O.C. which is to be reported separately in classification 0504-06; and pressure washing or sandblasting operations performed in conjunction with and as a part of another type of business such as a foundry, metal goods manufacturer, auto body repair shop, etc., which is to be reported separately in the applicable classification.

0504-20 Lead abatement

Applies to contractors engaged in lead abatement which is performed on structures where there are significant

amounts of lead-based paint and lead dust. Contractors must comply with various governmental regulations. The first step in all lead abatement projects is the preliminary testing of the site to determine the presence of lead and the extent of the contamination. If the ground surrounding the proposed worksite is contaminated, it will require remediation, which is done by a soil remediation contractor who is to be reported separately in the appropriate classification. The next step is deciding which abatement procedure is right for the project such as: Encapsulation which is used on interior surfaces to seal the lead-based paint with a bonding material; enclosure which is used on interior and exterior surfaces and involves constructing special airtight enclosures made out of gypsum wallboard, plywood paneling, aluminum, vinyl or wood exterior sidings; component replacement which involves removing building components such as paneling, moldings, windows and doors which are coated with lead-based paint and replacing them with new components; and chemical removal, abrasive removal or handscraping which are methods to physically remove the lead paint. This classification includes all preparation work and all cleanup work.

This classification excludes soil remediation work which is to be reported separately in classification 0101; asbestos abatement which is to be reported separately in classification 0512; and lead abatement as part of a painting contract for interior/exterior of buildings or structures, or the interior/exterior of tanks which is to be reported separately in the applicable classification.

0504-21 Painting: Exterior buildings or structures, N.O.C.; Cleaning: Interior/exterior of oil or gas storage tanks, beer vats, and sewage treatment tanks

Applies to contractors engaged in painting the exterior of all types of buildings or structures not covered by another classification (N.O.C.), regardless of height. Buildings and structures include, but are not limited to, bridges, towers, smokestacks, stadiums, factories, warehouses, stores, churches, and residential or commercial single or multiple story buildings. Paint is applied by brush, roller or spray to a variety of surfaces such as wood, concrete, steel, metal, plaster, stone, or other types of exterior surfaces. This classification includes all preparation work such as the set up of scaffolding or power lifts, pressure washing, removal of old paint or asbestos, sandblasting, taping or masking, cleanup work and shop operations related to projects described by this classification. This classification also applies to cleaning, coating, or painting the interior/exterior of oil or gas storage tanks, beer vats, or sewage treatment tanks.

This classification excludes contractors engaged in waterproofing buildings or structures, N.O.C. which are to be reported separately in classification 0504-06; pressure washing services or sandblasting of buildings or structures which are to be reported separately in classification 0504-18; interior painting of buildings which is to be reported separately in classification 0521; painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-52001 Classification 0506.

~~((Building raising or moving and underpinning
Wrecking or demolition of buildings.))~~

0506-03 Building raising, moving and underpinning

Applies to contractors engaged in raising, moving and underpinning buildings. Work contemplated by this classification includes a variety of services involving the change of a building's elevation, location or support structure including incidental shoring and removal or rebuilding of walls, foundations, columns or piers. Employees of the contractor responsible for the overall completion of the project are to be reported in this classification. Underpinning is a process to correct wall cracks, foundation settling or collapse of a building or structure. Generally, underpinning involves one of two methods. In the first method, earth around a foundation is removed to permit construction of a new foundation to replace the old one or to allow for the installation of subfoundations to support the existing earth. This would include masonry or concrete work, blasting (when required) and shoring of surrounding ground and building or structure to prevent cave-ins while foundation work is being performed. The second method deals with steel or wooden beams being inserted through a lower point of the building or structure. The beams are raised and supported by jacks until the foundation is relieved of some or all of its ground pressure. Building raising or moving is a process to change a building's position, either raised to a new elevation in place or moved to a new site, or both. Workers, subcontractors or utility companies will first disconnect all utilities from the building or structure to be moved. Workers will remove all detachable items and open foundation walls to allow metal or wood beams to be placed under the floor structure. Once beams are placed, hydraulic jacks are used to lift the building or structure clear of the old foundation high enough for a new foundation to be constructed, or high enough to allow the carrying vehicle (trailer) to be placed under the beams if it is to be moved. The trailer is moved along a previously graded and cleared path to the new location. The building or structure is then set down on a new foundation which is usually constructed by a separate contractor. Miscellaneous repair work is performed and utilities are reconnected.

This classification excludes contractors engaged in clearing paths, grading and excavation work who are to be reported separately in classification 0101; contractors who disconnect or hook-up underground gas, water or power lines who are to be reported separately in classification 0107; contractors who construct concrete foundations for wood frame or nonwood frame buildings who are to be reported separately in classification 0217, or in classification 0518 as applicable; and contractors engaged in the delivery and set up of factory built housing units who are to be reported separately in classification 0517.

0506-04 Building wrecking or demolition

Applies to contractors engaged in wrecking or demolishing buildings or structures. Work contemplated by this classification includes incidental sales of materials, burning or

hauling away of debris, and incidental ground clearing activities at the site to permit other use of land. Wrecking and demolition involves barricading the site and walkways to keep nonconstruction workers out of the area to prevent possible injury to them. Guards, watchmen, and traffic controllers (flaggers) are on-site and in adjacent areas to keep work areas secure. Work hours are occasionally restricted to avoid interference with surrounding business activities. Salvage of materials is usually done by hand. Loading of trucks with debris is by chute or front end loaders. Actual demolition of a building or structure is performed in a variety of ways, including dismantling board by board, by crane (pulling sections to the ground), by crane equipped with a steel ball which is swung from the boom of the crane, or by explosives. Employees of the contractor responsible for the overall completion of the project are to be reported in this classification.

This classification excludes security guards employed by contractors to guard the job site before or after the construction work activity hours who are to be reported separately in classification 6601; establishments primarily engaged in selling salvaged building materials which are to be reported separately in classification 2009; and all types of wood frame and nonwood frame building construction, remodeling, or repair work which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-52002 Classification 0507.

~~((Roofwork, all types, construction and repair~~

~~Roof cleaning and moss removal is to be reported separately under classification 6602 provided such service is not incidental to or part of a roofing contract. For purposes of this rule the term "roofwork" will include repairs to the subroof such as replacement of trusses, rafters, supports, sheathing, etc., but will not include the placement of trusses, rafters, or sheathing on new building construction.))~~

0507-05 Roofwork construction and repair

Applies to contractors engaged in the installation or repair of roofing material on all types of new or existing buildings or structures. Roofing materials include, but are not limited to, felt roofing paper, rolled composition, wood, fiberglass or composition shingles or shakes, aluminum or sheet metal, masonry or ceramic tile, tar, and polyurethane foam. Installation of roofing materials varies with the product. Wood, fiberglass and composition shingles are nailed; masonry, slate or ceramic tiles require drilling, nailing or cementing; polyurethane foam is applied by spray then coated with a protective layer of paint-like material; hot tar requires melting in tanks, usually at ground level, then it is pumped or raised by bucket to the roof top and applied by spray or mop; cold apply uses an adhesive to bond roofing membranes to form a roofing system; cold tar is applied by brush, spray or mop; single ply involves large sheets of roofing material which are unrolled on the roof with edges overlapping and seamed; and metal roofing is seam welded or nailed. For purposes of this classification the term "roof-

work" includes repairs to the subroof such as the replacement of trusses, rafters, supports, and sheathing, but excludes the placement of trusses, rafters, supports or sheathing on new building construction. Essentially, when removing the existing roof material from an existing building or structure it is not uncommon to find dry rot or deterioration to parts of the subroof. The repair of the subroof is part of the roof repair or replacement project and is included in this classification. By contrast, when a subroof is constructed on new buildings or structures, this activity is to be reported separately in the classification applicable to the work being performed such as 0510 for wood frame construction or 0518 for nonwood frame construction.

This classification excludes roof cleaning, moss or snow removal on single story buildings not incidental to, or part of, a roofing contract which is to be reported separately in classification 6602; roof cleaning or moss removal of multiple story buildings not incidental to, or part of, a roofing contract which is to be reported separately in classification 0504; the installation of gutters and downspouts which is to be reported separately in classification 0519; waterproofing parts of buildings other than roofs which is to be reported separately in classification 0504 and/or 0101; placing roof trusses, rafters, supports and sheathing on new wood frame buildings which is to be reported separately in classification 0510; the application of polystyrene strips used as insulation on mobile homes which is to be reported separately in classification 0512; and placing roof trusses, rafters, supports and sheathing on new buildings, N.O.C. which is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-521 Classification 0508.

~~(Blast furnace and metal burners construction
Crane or derrick installation
Elevated railway, tram, lift, etc., construction, maintenance and repair
Exterior tanks—all types—erection, maintenance or repair, N.O.C.
Oil still or refinery construction. Excludes plant maintenance by contractor which is to be reported separately under risk classification 0603
Radio, television, water towers, poles and towers, N.O.C.—erection, maintenance and repair
Smokestacks—erection, maintenance and repair
Water cooling towers or structures—metal or wood: Erection, maintenance, and repair
Windmills—all types, erection, maintenance and repair, site erection
This classification includes erection of skeletons for pillars, posts and like columns, all excavations, foundation work, and dismantling and repairing of above types of structures:))~~

0508-00 Radio, television, water towers, poles and towers, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or wood, radio, television, water towers, poles, towers and those towers which are not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification also includes the delivery of material and supplies to the job site and the installation of antennae or other apparatus to a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work.

0508-01 Smokestack: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or concrete smokestacks. These structures are part of an industrial complex and facilitate the discharge of combustion vapors, gases, or smoke. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, installation of scaffolding, raising segments into place with a crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of any apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; preliminary clearing of land by a contractor who is not also excavating the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately

rately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work.

0508-02 Windmill and silo: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or wood windmills or silos. Windmills use the force of wind passing around the rotor blades to turn turbines and produce electric power. These may be built individually or in groups known as "wind farms." Additional apparatus and storage batteries are housed in separate buildings nearby. Silos are large cylindrical structures used to store grain or fodder (silage). They are filled through the top by means of a conveyor. Within the structure, augers and pumps can move the grain to blend, aerate, or feed it out the chute. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work.

0508-03 Oil still or refinery: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of oil stills or refineries. These facilities are basically composed of multi-story storage tanks, chimneys, pipelines, separating apparatus and steam generating systems. They receive unprocessed petroleum (crude oil) and convert it into usable products such as gasoline, kerosene, wax, grease and chemical feed stocks. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of

forms, installation of reinforcing steel, pouring and finishing the foundation and other concrete, on-site fabrication and assembly of parts, erecting framework, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus in an oil still or refinery when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of control or pump houses and other buildings not part of the main processing plant which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work and plant maintenance contract work which is to be reported separately in classification 0603.

0508-04 Blast furnace and metal burners: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of blast furnaces and metal burners. These are tall, very heavy gauge, cylindrical steel structures in which heated air and combustible fuels are combined to produce the heat necessary to separate the usable material in metal ores from the waste products. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, installation of a brick lining, raising structural members by crane and welding or bolting into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of additional buildings as part of an ore reduction or metal producing facility which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-08 Elevated railway, tram, lift or similar conveyances: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of elevated railways, trams, lifts or similar conveyances. An elevated railway can be a full scale railroad or a smaller scale system such as a recreational monorail. For the purposes of this classification, trams are overhead cable cars, and lifts are similar to the typical ski lift. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting frames and supports (metal or concrete), installation of scaffolding, raising structural members by crane and welding or bolting them into place, and installing and securing tracks, cables or pulley systems. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; or the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-09 Exterior tanks, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of all types of exterior tanks not covered by another classification (N.O.C.). These tanks may be part of water storage and distribution systems, chemical or petroleum processing and storage operations, or other industrial applications. This classification includes the erection or construction of tanks that are elevated on structural piers and those that rest on the ground. These tanks may be constructed singly or in groups known as "tank farms" which are common to the petroleum industry. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, and raising

structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-11 Crane or derrick: Installation, construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the installation, construction or erection, dismantling, maintenance or repair of nonmobile cranes and derricks for commerce and industrial use. Cranes and derricks can be very similar in that they are both defined as machines for hoisting and moving heavy objects through the use of stationary or movable booms equipped with cables. An object, sometimes weighing many tons, can be secured to the cables and moved into position along the length of a stationary boom or to another location within the reach of a movable boom. A derrick, however, can also be a permanent framework over an opening, such as an oil-drilling operation, to support boring equipment. The cranes included in this classification are those that are permanently installed at a marine port, cargo handling facility or an industrial facility to move supplies, cargo containers, or heavy objects (vertically or horizontally) that are being assembled and must pass through the length of a building to complete the process. Work contemplated by this classification includes, but is not limited to, the placement of forms and reinforcing steel for a foundation (in the case of some structures described above, the additional reinforcing required to support the crane is usually contemplated in the plan for the building's foundation where the crane is being anchored), on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by hoist and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; and delivery of material to the site by employees of a material supplier or a common carrier

which is to be reported separately in the applicable classification.

Special note: This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-12 Water cooling towers or structures - metal or wood: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of metal or wood water cooling towers or vertical structures. These structures are usually part of an industrial complex in which water is used as a cooling element in a manufacturing process. The water, which absorbs heat from the machinery being cooled, can be circulated and reused after it has been channeled through a cooling tower to be chilled sufficiently. A common design allows the hot water to tumble down numerous open louvers or steps to lower its temperature. These towers are often composed of prefabricated parts which are delivered to the site and then assembled by bolting or welding together, then the necessary motors, pipes, fans and pumps are installed. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding, bolting or otherwise fastening them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of other related buildings at the project site which is to be reported separately in the applicable construction classification.

Special notes: This classification does not allow separate reporting of excavation or foundation irrespective of who performs the work. Construction of a water cooling structure that uses a horizontal rather than tower-like design is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-52101 Classification 0509.

~~((Overhead transmission, telephone, telegraph, and cable television lines, new construction or extension of lines, including poles or towers, erection, maintenance, repair by contractor.))~~

0509-00 Overhead telephone or telegraph lines: New construction or extension of lines - including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead telephone or telegraph lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, tying into the low-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines to cross long distances or to support microwave antennae or receivers.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification 0101; service connections which are to be reported separately in classification 0608; underground telephone line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a telephone or telegraph company the work described above is included in classification 1303. A contractor engaged in the installation of electric and/or cable television overhead lines in addition to telephone and telegraph lines is to be reported in classification 0509-03. If a specialty contractor is only stringing telephone or telegraph lines, and not erecting poles or towers, classification 0509-00 is still applicable.

0509-01 Overhead television lines: New construction or extension of lines - including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead television lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, tying into the low-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support microwave antennae or receivers.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification 0101; service connections which are to be reported separately in classification 0601; underground television line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a cable television company the work described above is included in classification 1305. A contractor engaged in the installation of overhead electric and/or telephone or telegraph lines in addition to overhead television lines is to be reported in classification 0509-03. If a specialty contractor is only stringing overhead television lines, and not erecting poles or towers, classification 0509-01 is still applicable.

0509-02 Overhead electric transmission lines: New construction or extension of lines - including poles, or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of overhead electric transmission lines, poles and towers. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, installing circuit breakers and transformers, incidental tree topping, tying into the high-voltage power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall, cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support electric power distribution apparatus.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification 0101; underground electric line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by an electric power company the work described above is included in classification 1301. A contractor engaged in the installation of overhead telephone or telegraph lines and/or television lines in addition to overhead electric lines is to be reported in classification 0509-03. If a specialty contractor is only stringing overhead electric lines, and not erecting poles or towers, classification 0509-02 is still applicable.

0509-03 Overhead transmission lines, N.O.C.: New construction or extension of lines - including poles or towers; erection, maintenance or repair by contractor

Applies to contractors engaged in the construction, maintenance or repair of more than one type of overhead transmission line, including poles and towers which are not covered by another classification (N.O.C.). If the contractor specializes in either telephone, telegraph, television or electric lines, they can be specifically defined elsewhere within classification 0509. Work contemplated by this classification includes, but is not limited to, clearing a right of way (excluding logging-type operations), boring holes for poles to be set in, installing cross arms, insulators and brackets on poles (which may be wood or metal), setting poles or towers into position, installing guy wires if necessary, stringing the lines, incidental tree topping, installing circuit breakers and transformers, tying into the power source, and making service connections when done by employees of an employer having operations subject to this classification. Towers may be of a solid wall cylindrical steel construction or of a fabricated steel cross member design reaching a height of about 50 feet, and are secured to a concrete pad or set into the ground. They may be used to elevate the lines over long distances or to support microwave antennae, receivers or electric power distribution apparatus.

This classification excludes specialty contractors engaged in any single phase of the work described above: Land clearing and grading operations which are to be reported separately in classification 0101; erection of poles or towers which is to be reported separately in classification 0508; drilling holes which is to be reported separately in classification 0103; tree topping which is to be reported separately in classification 0101; service connections for cable television lines which is to be reported separately in classification 0601; underground line installation which is to be reported separately in classification 0107; and the felling of timber which is to be reported separately in the applicable logging classification.

Special note: If done by a telephone or telegraph company, the work described above is included in classification 1303; if done by a cable television company it is included in classification 1305; if done by an electric utility company it is included in classification 1301. If a specialty contractor is only stringing a combination of types of overhead lines, and not erecting poles or towers, classification 0509-03 is still applicable.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-52102 Classification 0510.

((Wood frame building construction or alteration, N.O.C. For the purposes of this rule wood frame building construction means buildings erected exclusively of wood or wood products.

This classification includes all building framing activities done in connection with wood frame building construction including the placement of roof trusses, sheathing roofs, installation of exterior building siding, and instal-

lation of exterior doors and door frames whether performed by a general or specialty contractor.)

0510-00 Wood frame building: Construction or alterations, N.O.C.

Applies to contractors engaged in wood frame building construction or alterations not covered by another classification (N.O.C.). For the purposes of this classification, wood frame building construction means buildings erected exclusively of wood or wood products. This classification includes all building framing activities done in connection with wood frame building construction including the placement of roof trusses, sheathing roofs, installation of exterior building siding, and the installation of exterior doors and door frames.

This classification excludes all other phases of wood frame building construction not listed as part of the framing activities above such as, but not limited to, site preparation and excavation (0101); overhead or underground utilities, asphalt work, or concrete work which is to be reported separately in the applicable classification; new landscape work (0301); brick work (0302); stucco work (0303); plumbing work (0306); HVAC work (0307); carpet and tile work (0502); exterior painting (0504); roof work (0507); insulation work (0512); interior finish carpentry - interior doors, cabinets, fixtures or molding (0513); installation of garage doors (0514); installation of sheet metal siding, gutters, aluminum carports (0519); interior painting (0521); electrical work (0601) or wallboard installation, taping or texturing which are to be reported separately in the applicable classifications. For a more thorough description of the activities included and excluded from wood frame building construction, review the Construction Industry Guide.

Special note: Classification 0510 also includes wood frame building alterations or remodel work when the activity involves building new additions. The term "new additions" is defined as adding on to an existing wood frame building (upwards or outwards) in which the use of structural supports and main bearing beams is required. This is distinguishable from classification 0516 - building repair or carpentry work that typically does not require the placement of structural supports or main bearing beams. The purpose of classification 0516 is to build or rebuild with nonstructural or bearing beams, or to replace an existing portion (including existing structural and bearing beams) of a wood frame building for appearances or as a result of deterioration to make it appear new again. Care should be exercised as the terminology to build, rebuild, remodel, construct or reconstruct is irrelevant to assignment of classification which should recognize what the project actually involves.

Guidelines:

Constructing a new wood frame building that never existed - 0510

Altering all or part of an existing wood frame building by adding on new additions - 0510

Remodeling all or part of an existing wood frame building without adding on new additions - 0516

Installation of wood or vinyl siding on a new or existing wood frame building - 0510

Constructing a new wood garage that never existed - 0510

Altering all or part of an existing wood garage by adding on new additions - 0510

Remodeling all or part of an existing wood garage without adding on new additions - 0516

Constructing a new wood carport or wood shed that never existed - 0510

Rebuilding an existing wood carport or wood shed (all or part) with or without new additions - 0516

Construction of a new wood deck by the framing contractor when a new wood house is being built - 0510

Constructing or replacing a wood deck on an existing wood house - 0516

Constructing or replacing a wood deck for any type of nonwood building - 0516

Altering the existing interior of a wood frame building by adding exterior additions - 0510

Remodeling the existing interior of a wood frame building without adding exterior additions - 0516

Constructing, altering, or remodeling the interiors of nonwood frame buildings - 0516

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-52103 Classification 0511.

((Glass installation in buildings

This classification includes installation of window/door glass, plastic, or similar materials; skylights, mirrors, storm windows, and window sashes in buildings and residences. Installation of auto glass is to be reported separately in classification 1108 "glass merchants."))

0511-00 Glass installation in buildings

Applies to contractors and glass merchants engaged in the installation and/or removal of glass in buildings and residences. This type of work is generally performed by a "glazier" who installs, removes, and/or boards up broken or damaged window or door glass. This classification includes a variety of glass, plastic and similar materials in buildings and residences, including exterior glass curtain walls on multi-story buildings, skylights, mirrors, storm windows, window sashes and window/door glass. This classification also includes glass tinting or the application of tinted plastic film to glass windows and doors in buildings or residences.

This classification excludes glass merchants which are to be reported separately in classification 1108; the installation of auto glass which is to be reported separately in classification 1108 when performed at or away from the glass merchant's shop; glass frosting, etching or beveling which is to be reported separately in classification 1108; tinting or the application of tinted plastic film to auto glass by an auto detailer which is to be reported separately in classification 3406; glass manufacturing which is to be reported separately in classification 3503; and the installation of windows, window frames and skylights when performed as part of a framing contract on a wood frame building by the framing workers which is to be reported separately in classification 0510.

Special note: Care should be exercised when determining if the business is a glass installation contractor or a glass merchant. A glass merchant in classifications 1108 and 0511, does not qualify for classification 5206 "Permanent yard or shop." However, if the business is engaged exclusively as a glass installation contractor, and not as a glass merchant, the contractor's business *may* qualify for classification 5206 for the storage of materials.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-52104 Classification 0512.

~~((Asbestos abatement—all operations~~

~~Insulation or soundproofing materials installation, N.O.C.~~

~~This classification includes installation of weather strip and caulking, roof or soffit ventilators, energy efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences. Installation of windows is to be reported separately in classification 0511 "glass installation—buildings" and energy auditors with no installation or delivery duties are to be reported separately in classification 6303 "outside sales—estimators.")~~

0512-00 Insulation or sound proofing materials: Installation, N.O.C.

Applies to contractors engaged in installing insulation or sound proofing materials not covered by another classification (N.O.C.). This classification includes the installation or removal of insulation material for all types of residential or commercial buildings or structures. Insulation materials include, but are not limited to, flexible types in the form of blankets, rolls or quilts, loose fills or mineral substances in granulated, powder, cellulose or fibrous wood forms, pads and bats of mineral wool, slabs of cork board or wood fiber, rigid types such as wood and sugarcane fiberboard or panels, and the reflective type often consisting of aluminum foil encased in paper. The methods of installation include hand, blower, nailing, or cementing with special adhesive. This classification includes the installation of suspended or acoustical grid ceilings. This classification includes installation of weather strip and caulking, roof or soffit ventilators, energy efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences. This classification also includes the application of polystyrene strips placed as insulation on the tops of mobile homes.

This classification excludes the installation of glass windows in buildings which is to be reported separately in classification 0511; energy auditors with no installation or delivery duties who may be reported separately in classification 6303 provided all the conditions of the general reporting rules covering standard exception employees have been met; asbestos abatement which is to be reported separately in classification 0512-01; lead abatement which is to be reported separately in classification 0504; and the installation of insulated covering on boilers or steam pipes which is to be reported separately in classification 0306.

0512-01 Asbestos abatement

Applies to contractors engaged in the removal of asbestos. Work contemplated by this classification includes all operations such as, but not limited to, the removal of damaged, deteriorated or unwanted existing asbestos coverings and material from buildings and other structures such as, but not limited to, ceilings, walls, partitions, floors, and from around air conditioning and heating ducts. Also included in this classification is the removal of asbestos insulated covering around boilers and steam pipes, asbestos used as insulation, fireproofing, and in various building materials such as floor coverings, ceiling tiles, cement sheeting, granular and corrugated wrap, and acoustical and decorative treatment for walls and ceilings.

This classification excludes contractors engaged in the installation of boiler and steam pipe insulation coverings who are to be reported separately in classification 0306; lead abatement which is to be reported separately in classification 0504; asbestos abatement as a part of painting the interior or exterior of buildings or structures or the interior/exterior of tanks which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-52105 Classification 0513.

~~((Interior finish carpentry-))~~

0513-00 Interior finish carpentry

Applies to contractors engaged in interior finish carpentry work for all types of buildings. Generally, the interior finish carpentry work begins after the drywall, taping, texturing, and painting and/or wallpapering is complete. This classification includes a variety of interior finish or trim carpentry work to include, but not be limited to, the installation of wood paneling and wainscoting, wood fireplace mantels, stair railings, posts and banisters, interior doors and door frames, wood molding on windows, baseboards, interior fixtures such as towel bars and tissue holders, closet organizers, installation and/or finishing of hardwood flooring, and cabinets such as kitchen, medicine, laundry and storage. Contractors who operate a wood cabinet manufacturing or assembly shop away from the construction site, are to be assigned classification 2907 for the shop manufacturing work. When a contractor's business is assigned classification 2907 for the shop operation, then classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair of equipment. This classification includes the installation of counter tops as part of a contract which includes the installation of cabinets or other interior finish or carpentry work. Contractors engaged exclusively in the installation of counter tops or as part of a floor covering contract are to be reported separately in classification 0502.

This classification excludes all carpentry work on the exterior of a building, or interior work such as framing interior walls, installing wallboard, taping and texturing walls, plastering, painting, masonry, glazing, insulation, installing overhead garage or exterior doors, concrete, electrical and

plumbing work which is to be reported separately in the applicable classification.

Special note: This classification includes the installation of cabinet display areas or showrooms which provide prospective customers an opportunity to inspect the quality of workmanship and products carried by the contractor. Generally, displays or showrooms are installed where the contractors store their materials. It is common for contractors subject to this classification to sell some interior finish-related products, but the intent of these areas is not to sell products to walk-in customers. Sale of these products by an interior finish contractor is included in classification 0513. Classifications 2009, 6309, or similar store classifications, are not to be assigned to a contracting business. Employees engaged exclusively in showing the display areas or showrooms to customers are to be assigned classification 6303 provided all the conditions of the general reporting rule covering standard exception employees have been met.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52106 Classification 0514.

~~((Awnings and fire escapes: Installation, alteration, repair or removal~~

~~Garage or overhead door installation including automatic door openers when installed with a garage or overhead door~~

~~Shutter installation: Metal, plastic or wood including repair or removal.))~~

0514-00 Garage or overhead door: Installation, service or repair

Applies to contractors engaged in the installation, service or repair of garage or overhead doors made of wood, metal, or aluminum. As part of a new construction project, the installation usually occurs before the building or structure is painted. Garage or overhead door installation can also occur as a replacement to an existing door or as an alteration or addition to a building or structure. The process involves installing door tracks on both sides of the doorway, inserting the door, which usually consists of panels or sections, into the tracks, and attaching panels or sections to one another. This classification also includes the installation of automatic door openers when performed as a part of the garage or overhead door installation contract, and by the same contractor installing the doors.

This classification excludes the installation of automatic door openers when it is not performed as a part of the garage or overhead door installation contract and by the same installation contractor which is to be reported separately in classification 0603, as is all service or repair for automatic door openers; the installation of exterior glass doors and door frames such as nonautomatic and automatic opening doors at retail establishments or commercial buildings which are to be reported separately in classification 0511; the installation of interior or exterior doors and door frames when performed by a framing contractor as part of framing a wood frame building which is to be reported separately in classification 0510; the installation of interior doors and door frames which is to

be reported separately in classification 0513; the installation of wood, fiberglass or metal exterior doors as part of a non-wood frame building when performed by employees of the general contractor which is to be reported separately in classification 0518; and the repair or replacement of wood, fiberglass or metal doors on an existing building which is to be reported separately in classification 0516.

0514-01 Nonstructural additions to buildings or structures: Installation, removal, alteration, and/or repair

Applies to contractors engaged in the installation, removal, alteration, and/or repair of nonstructural additions to buildings or structures. Nonstructural iron, steel, brass or bronze additions include, but are not limited to, fire escapes, staircases, balconies, railings, window or door lintels, protective window or door gratings, bank cages, decorative elevator entrances or doors, wall facades and facings. Shutters and similar decorative add-ons may be made of wood, vinyl or plastic. Generally, the process involves bolting, screwing, riveting, or welding these additions to the interior or exterior of buildings or structures. Contractors who operate a shop to prefabricate the additions are to be assigned the classification applicable for the shop manufacturing work being performed. When a contractor's business is assigned a manufacturing classification for shop operations, classification 5206, "Permanent yard or shop," is no longer applicable to the contractor's business for the storage of materials or repair of equipment. This classification also applies to the installation of permanent stadium seating.

This classification excludes sheet metal installation such as siding, gutters and downspouts, and aluminum patio covers/carports which are to be reported separately in classification 0519; the installation, repair or dismantling of portable bleachers or stages which is to be reported separately in classification 0603; and the erection of commercial metal carports, service station canopies, and structural iron or steel work as part of a building or structure which is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-52108 Classification 0516.

~~((Building repair and carpentry, N.O.C.
Playground equipment: Installation—wood.))~~

0516-00 Building repair and carpentry, N.O.C.

Applies to contractors engaged in building repair and carpentry work, not covered by another classification (N.O.C.). This classification applies to carpentry-related framing work on concrete, brick and steel buildings, and to wood framed building renovation and remodeling projects where the structure is not being modified or altered. Typical projects include, but are not limited to: Converting a room from one use to another, such as a bedroom to a study, or a garage to a family room; enlarging or changing the configuration of a room by removing or adding an interior wall; upgrading a kitchen or bathroom; or adding structures such as a wooden deck to an existing building, screening a porch, installing a wood patio cover, or assembling lightweight garden sheds. Contractors subject to this classification use a

variety of dimensional lumber and wood products as well as metal fasteners (nails, screws and bolts), and metal reinforcing or support straps such as joist hangers and post brackets. Technological changes have produced new materials which are replacing wood and wood products. These materials include, but are not limited to, light weight metal studs and plastic and fiber reinforced boards. This classification includes the framing of private residences with light weight metal studs and the installation of earthquake tie downs on residential buildings. This classification also includes specialty service providers or contractors engaged in providing general repair services (handyman) on buildings and dwellings. Classification 0516-00 can be used for these businesses to simplify recordkeeping and reporting if they provide general carpentry work and at least two of the following types of repair work; electrical, plumbing, cabinet, interior alteration, painting, drywall, masonry, carpet/linoleum/laminate, glazing, or appliance repair.

This classification excludes roofing or roof work which is to be reported separately in classification 0507.

0516-01 Wood playground equipment: Installation and/or repair

Applies to contractors engaged in the installation and/or repair of wood playground equipment. Work contemplated by this classification begins after the area of land has been excavated and/or cleared and includes installing wood playground equipment at private residences and in public settings such as, but not limited to, schools, parks, daycare centers, churches, and hotels. This classification usually includes a variety of playground equipment comprised of treated wood beams, poles, posts, and a variety of dimensional lumber used in building swings, forts, stationary and swinging bridges, balance beams, climbing towers, slides, and rope and tire walks. Generally, the process involves setting poles or posts with use of a post hole digger, backhoe or tractor equipped with an auger. The poles or posts may be set in concrete. Depending on the piece of equipment being built, use of beams, planks, dimensional lumber, rope, chains, tires, and metal bars or rings, are securely attached with nails, screws, bolts or eye hooks. This classification includes the building of borders surrounding the playground equipment area with beams or railroad ties and the spreading of pea gravel, sand or wood chips underneath the equipment.

This classification excludes the installation of metal playground equipment which is to be reported separately in classification 0603, and the excavation or clearing of land which is to be reported separately in classification 0101.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52109 Classification 0517.

((Mobile home set up by contractor – including installation of skirting, awnings and decks-))

0517-00 Factory built housing units: Set up by contractor or by employees of the manufacturer

Applies to the set up of factory built housing units such as mobile/manufactured homes, modular homes, or prefab cedar homes by contractors who work independently from a

sales dealership or by employees of the manufacturer. This classification includes delivery of the factory built unit when performed by the set up contractor. The set up process includes placement of the unit or unit sections on blocks or foundations; joining the interior and exterior sections which may involve incidental placement of ridge cap, siding, trim boards, moldings, and interior seams; plumbing and electrical connections; and the installation of skirting, awnings or decks.

This classification excludes mobile home or factory built housing sales dealerships who set up and/or deliver the unit to a sales location or customer's site which are to be reported separately in classification 3415; the delivery of a mobile home or other factory built housing unit by a trucking service which is to be reported separately in classification 1102; the pouring of foundations; and/or the construction of carports, garages or storage sheds regardless if performed by employees of the set up contractor or by another contractor which is to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-52110 Classification 0518.

((Building construction, N.O.C., including alterations-
Carport construction – metal: Erection
Concrete construction, N.O.C. – including alterations
Service station canopy – metal: Erection

This classification applies to concrete, iron and steel work in connection with nonwood structural buildings and other construction projects such as but not limited to nonwood structural buildings of single or multiple stories, waste treatment and waste disposal plants, fish hatcheries and stadiums. This classification includes such activities as the set up and tear down of forms, pouring and finishing of concrete, standing or raising of precast concrete portions, and raising and securing of metal frames or members.))

0518-00 Building construction, N.O.C.: Alterations and concrete construction, N.O.C.

Applies to contractors engaged in building construction, not covered by another classification (N.O.C.), including alterations. Work contemplated by this classification includes nonwood frame buildings and structures such as, but not limited to, waste treatment and waste disposal plants, fish hatcheries and stadiums in which the superstructure, skeleton framework, or building shell consists of concrete, iron or steel, or a combination of concrete, iron, steel and/or wood. This classification makes no distinction to the size of the structure or number of stories within the building and includes all concrete tilt-up buildings. Activities include, but are not limited to, the set up and tear down of forms, placement of reinforcing steel, rebar, or wire mesh, pouring and finishing concrete within the building or structure such as foundations, monolithic slabs, ground supported floor pads, precast or poured in place bearing floors or wall panels, columns, pillars, balconies, stairways, including the raising and/or standing of concrete tilt-up walls or precast floors and wall portions, and raising and securing metal frames or mem-

bers into place using a crane or boom and securing by bolt, rivet or weld.

This classification excludes all other phases of construction which are not in connection with building the superstructure, skeleton framework, or building shell such as, but not limited to, site preparation and excavation which is to be reported separately in classification 0101; bridge or tunnel construction which is to be reported separately in classification 0201; pile driving which is to be reported separately in classification 0202; underground utilities and systems which is to be reported separately in the classification applicable to the work being performed; asphalt work which is to be reported separately in the classification applicable to the work being performed; concrete paving or flatwork not contained within the building which is to be reported separately in the classification applicable to the work being performed; new landscape construction which is to be reported separately in classification 0301; brick, block, granite, marble, slate or masonry work which is to be reported separately in classification 0302; plastering, stuccoing and lathing work which is to be reported separately in classification 0303; plumbing work which is to be reported separately in classification 0306; HVAC work which is to be reported separately in classification 0307; carpet and tile work which is to be reported separately in classification 0502; exterior painting which is to be reported separately in classification 0504; roof work which is to be reported separately in classification 0507; installation of glass panels, curtain walls or windows which is to be reported separately in classification 0511; installation of insulation, sound proofing or suspended acoustic ceilings which is to be reported separately in classification 0512; interior finish carpentry such as the installation of interior doors, cabinets, fixtures or molding which is to be reported separately in classification 0513; installation of overhead doors, garage doors which is to be reported separately in classification 0514; installation of exterior doors and door frames, interior framing and carpentry work which is to be reported separately in classification 0516; installation of sheet metal siding or gutter work which is to be reported separately in classification 0519; interior building painting which is to be reported separately in classification 0521; electrical work which is to be reported separately in classification 0601; the installation of elevators and elevator door bucks which is to be reported separately in classification 0602; new dam construction projects which are to be reported separately in classification 0701; wood frame buildings which are to be reported separately in classification 0510; light weight metal sheds which are to be reported separately in classification 0516; brick or block buildings which are to be reported separately in classification 0302 and wallboard installation, taping or texturing which are to be reported separately in the applicable classifications.

0518-01 Metal carport: Erection

Applies to contractors engaged in the erection of metal carports such as those used for commercial parking lots. This classification includes raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the erection of a nonstructural steel carport which is to be reported separately in classification 0519, and the erection of a wood carport which is to be reported separately in the applicable carpentry classification (see classification 0510 for additional information).

0518-02 Metal service station canopy: Erection

Applies to contractors engaged in the erection of metal service station canopies. Work contemplated by this classification includes, but is not limited to, raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the removal or installation of underground tanks which is to be reported separately in classification 0108, and the removal or installation of service station pumps which is to be reported separately in classification 0603.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52111 Classification 0519.

~~((Building construction: Sheet metal work, N.O.C., including installation of metal/aluminum siding and gutter/downspout work. This classification covers all types of interior and exterior sheet metal other than heating and ventilating systems which are to be reported separately in risk classification 0307 and roof work which is to be reported separately in risk classification 0507.))~~

0519-00 Building construction sheet metal work, N.O.C.

Applies to contractors engaged in the installation or repair of sheet metal work in building construction, not covered by another classification (N.O.C.). Work contemplated by this classification applies to interior and exterior sheet metal work for residential or commercial buildings and includes wood frame, pole buildings, and nonwood frame buildings. This classification includes the installation of metal or aluminum siding, gutters and downspouts, nonstructural steel carports, and aluminum or sheet metal patio covers. This classification includes the installation of metal industrial shelving and the installation of stainless steel counter tops, and interior walls (such as the back splash behind stoves or sinks) in restaurants. Contractors who operate a sheet metal fabrication shop or prefabricate the gutters, downspouts and posts in a shop away from the construction site are to be assigned classification 3404 for the shop operations. When a contractor's business is assigned classification 3404 for shop operations then classification 5206 "Permanent yard or shop" is no longer applicable to the contractor's business for the storage of materials or repair to equipment.

This classification excludes sheet metal work as part of heating ventilation and air conditioning systems installation which is to be reported separately in classification 0307; the installation of aluminum or sheet metal as part of roof work which is to be reported separately in classification 0507; the installation of light weight metal sheds which is to be reported separately in classification 0516; and the installation of commercial metal carports and service station canopies which is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-52113 Classification 0521.

~~((Painting— Building interiors~~

~~This classification includes decorating and hanging wallpaper, and all preparation work such as the set-up of scaffolding, taping or masking, clean-up and shop operations.))~~

0521-00 Painting building interiors; wallpaper hanging/removal

Applies to contractors engaged in painting building interiors regardless of the height inside the building. This classification includes building interiors such as, but not limited to, single and multiple story residential houses and commercial buildings, warehouses, factories, coliseums, theaters, stores and churches. The following structures are examples which would *not meet* the definition of a building or qualify as interior painting: Bridges, refineries, grain silos, water towers, service station canopies, or tanks. Paint is applied by brush, roller or spray to a variety of surfaces such as wood, wallboard, plaster, stucco, metal, concrete, or other types of surfaces found within the interior of a building. This classification includes all preparation work such as the set up of scaffolding, sanding, removal of old paint or asbestos, taping or masking, clean up and shop operations. This classification also includes the hanging or removal of wallpaper. The process of hanging wallpaper includes cleaning or scraping walls to ensure the wallpaper will adhere to the surface. Depending on the type of wallpaper, adhesive is applied to the wall surface, the wallpaper, or both. Patterns are matched and the strip is applied to the surface and brushed smooth to remove the air pockets. This process is repeated until the entire job is complete. This classification also includes refinishing or resurfacing of tubs, sinks, appliances and countertops.

This classification excludes exterior painting of buildings or structures which is to be reported separately in classification 0504. Classifications 0521 and 0504 may be assigned to the same employer provided accurate records are maintained which distinguish interior building painting contracts from exterior building or structure painting contracts. This classification also excludes contractors engaged in waterproofing buildings or structures N.O.C., pressure washing services or sandblasting of buildings or structures, lead paint abatement, and the exterior painting of buildings or structures, including interior/exterior tanks which are all to be reported separately in classification 0504; painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.

AMENDATORY SECTION (Amending WSR 97-06-007, filed 2/24/97, effective 4/1/97)

WAC 296-17-52116 Classification 0524.

~~((Wallboard installation—discounted rate~~

~~This classification excludes wallboard taping and texturing work which is to be reported separately in classification 0525.~~

~~*Special note: The basis of premium for this classification is material installed (square feet).))*~~

0524-00 Wallboard installation - discounted rate (to be assigned only by the drywall underwriter)

Applies to contractors engaged in the installation or repair of wallboard. This classification includes the installation of wallboard, drywall, or sheetrock in all types of residential or commercial buildings or structures. Material is generally delivered to the construction site by employees of the building material dealers. This classification includes delivery of materials to the construction site when performed by employees of the wallboard contractor. The process consists of cutting wallboard with a utility knife, hacksaw, or power saw to the desired size and then butting material into place and nailing or screw fastening to wood or aluminum wall studs. Electrical box, window, or door openings are cut out where needed. Installation may require the use of scaffolding, ladders, specialty lifts, or stilts when working at heights, including the use of T holders or hydraulic lifts to hold material being installed on ceilings.

This classification excludes wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533; wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534; interior painting work which is to be reported separately in classification 0521; plastering, stuccoing or lathing work which is to be reported separately in classification 0303; and the framing of nonbearing walls when performed by the drywall contractor which is to be reported separately in classification 0516.

Special note: The basis of premium for this classification is material installed (square feet). For contractors to be assigned and continue to report in this classification, their account must remain in good standing and conform to the conditions specified in the special drywall industry rule.

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52118 Classification 0526.

~~((Wallboard taping—discounted rate~~

~~This classification excludes wallboard installation, wallboard priming and texturing, wallboard stocking, and wallboard scrapping which is to be reported separately in classification applicable to the work being performed.~~

~~*Special note: The basis of premium for this classification is material finished (square feet).))*~~

0526-00 Wallboard taping - discounted rate (to be assigned only by the drywall underwriter)

Applies to contractors engaged in taping wallboard in residential or commercial buildings or structures. This process occurs after wallboard, drywall, or sheetrock has been installed and involves taping the seams, and spreading joint

compound over the seams and nail or screw heads. When dry, the seams are sanded to remove any rough edges.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533; and wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534.

Special note: The basis of premium for this classification is material finished (square feet). For contractors to be assigned, and continue to report in this classification, their account must remain in good standing and conform to the conditions specified in the special drywall industry rule.

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52119 Classification 0527.

((Wallboard priming and texturing—discounted rate

This classification includes incidental painting when performed by employees of an employer subject to this classification, but excludes wallboard installation, wallboard taping, wallboard stocking, and wallboard scrapping which is to be reported separately in classification applicable to the work being performed.

Special note: The basis of premium for this classification is material finished (square feet):

0527-00 Wallboard priming and texturing - discounted rate (to be assigned only by the drywall underwriter)

Applies to contractors engaged in priming and texturing wallboard in residential or commercial buildings or structures. Priming is the application of an undercoating that may be applied either directly to the wallboard or after it has been textured. The priming application is necessary for any subsequent painting work. Texture is a putty-like material that is sprayed over the prepared wallboard in a clump-like application. The clumps are smoothed with a trowel or a wide putty knife. This classification includes incidental painting when performed by employees of the priming and texturing contractor.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530; wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533; and wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534.

Special note: The basis of premium for this classification is material finished (square feet). For contractors to be assigned, and continue to report in this classification, their account must remain in good standing and conform to the conditions specified in the special drywall industry rule.

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52120 Classification 0528.

((Wallboard stocking by nonmaterial dealer employees—discounted rate

This classification excludes wallboard stocking by building material dealer employees which is to be reported separately in classification 1101, wallboard installation, wallboard taping, wallboard priming and texturing and wallboard scrapping which is to be reported separately in classification applicable to the work being performed.

Special note: The basis of premium for this classification is material stocked (square feet):

0528-00 Wallboard stocking by nonmaterial dealer employees - discounted rate (to be assigned only by the dry-wall underwriter)

Applies to contractors or employees of contractors engaged in the process of stocking drywall. This activity usually entails placing the needed amount of drywall within the various rooms of the residential or commercial building or structure being built.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530; wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; and wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534.

Special note: The basis of premium for this classification is material finished (square feet). For contractors to be assigned, and continue to report in this classification, their account must remain in good standing and conform to the conditions specified in the special drywall industry rule.

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52121 Classification 0529.

((Wallboard scrapping by nonmaterial dealer employees—discounted rate

This classification excludes wallboard scrapping by building material dealer employees which is to be reported separately in classification 1101, wallboard installation, wallboard taping, wallboard stocking, and wallboard priming and texturing which is to be reported separately in classification applicable to the work being performed.

Special note: The basis of premium for this classification is material stocked (square feet):

0529-00 Wallboard scrapping by nonmaterial dealer employees - discounted rate (to be assigned only by the dry-wall underwriter)

Applies to contractors or employees of contractors engaged in the process of scrapping drywall. This activity entails the picking up and discarding of the wallboard remnants and scraps.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530;

PERMANENT

wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; and wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533.

Special note: The basis of premium for this classification is material finished (square feet). For contractors to be assigned, and continue to report in this classification, their account must remain in good standing and conform to the conditions specified in the special drywall industry rule.

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52122 Classification 0530.

~~((Wallboard installation—nondiscounted rate~~

~~This classification excludes wallboard taping, wallboard priming, wallboard texturing work, wallboard stocking and wallboard scrapping which is to be reported separately in the classification applicable to the work being performed. This classification does not apply to employees of a building material dealer engaged in stocking or scrapping which are to be reported separately in classification 1101.~~

~~**Special note:** *The basis of premium for this classification is material installed (square feet).*~~

0530-00 Wallboard installation - nondiscounted rate (to be assigned only by the drywall underwriter).

Applies to contractors engaged in the installation or repair of wallboard. This classification includes the installation of wallboard, drywall, or sheetrock in all types of residential or commercial buildings or structures. Material is generally delivered to the construction site by employees of the building material dealers. This classification includes delivery of materials to the construction site when performed by employees of the wallboard contractor. The process consists of cutting wallboard with a utility knife, hacksaw, or power saw to the desired size and then butting material into place and nailing or screw fastening to wood or aluminum wall studs. Electrical box, window, or door openings are cut out where needed. Installation may require the use of scaffolding, ladders, specialty lifts, or stilts when working at heights, including the use of T holders or hydraulic lifts to hold material being installed on ceilings.

This classification excludes wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533; wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534; interior painting work which is to be reported separately in classification 0521; plastering, stuccoing or lathing work which is to be reported separately in classification 0303; and the framing of nonbearing walls when performed by the drywall contractor which is to be reported separately in classification 0516.

Special note: The basis of premium for this classification is material installed (square feet).

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52123 Classification 0531.

~~((Wallboard taping—nondiscounted rate~~

~~This classification excludes wallboard installation, wallboard priming and texturing, wallboard stocking, and wallboard scrapping which is to be reported separately in classification applicable to the work being performed.~~

~~**Special note:** *The basis of premium for this classification is material finished (square feet).*~~

0531-00 Wallboard taping - nondiscounted rate (to be assigned only by the drywall underwriter)

Applies to contractors engaged in taping wallboard in residential or commercial buildings or structures. This process occurs after wallboard, drywall, or sheetrock has been installed and involves taping the seams, and spreading joint compound over the seams and nail or screw heads. When dry, the seams are sanded to remove any rough edges.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533; and wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534.

Special note: The basis of premium for this classification is material finished (square feet).

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52124 Classification 0532.

~~((Wallboard priming and texturing—nondiscounted rate~~

~~This classification includes incidental painting when performed by employees of an employer subject to this classification, but excludes wallboard installation, wallboard taping, wallboard stocking, and wallboard scrapping which is to be reported separately in classification applicable to the work being performed.~~

~~**Special note:** *The basis of premium for this classification is material finished (square feet).*~~

0532-00 Wallboard priming and texturing - nondiscounted rate (to be assigned only by the drywall underwriter)

Applies to contractors engaged in priming and texturing wallboard in residential or commercial buildings or structures. Priming is the application of an undercoating that may be applied either directly to the wallboard or after it has been textured. The priming application is necessary for any subsequent painting work. Texture is a putty-like material that is sprayed over the prepared wallboard in a clump-like application. The clumps are smoothed with a trowel or a wide putty knife. This classification includes incidental painting when

performed by employees of the priming and texturing contractor.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530; wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533; and wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534.

Special note: The basis of premium for this classification is material finished (square feet).

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52125 Classification 0533.

~~((Wallboard stocking by nonmaterial dealer employees—non-discounted rate~~

~~This classification excludes wallboard stocking by building material dealer employees which is to be reported separately in classification 1101, wallboard installation, wallboard taping, wallboard priming and texturing and wallboard scrapping which is to be reported separately in classification applicable to the work being performed.~~

~~*Special note:* The basis of premium for this classification is material stocked (square feet).~~

0533-00 Wallboard stocking by nonmaterial dealer employees - nondiscounted rate (to be assigned only by the drywall underwriter)

Applies to contractors or employees of contractors engaged in the process of stocking drywall. This activity usually entails placing the needed amount of drywall within the various rooms of the residential or commercial building or structure being built.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530; wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; and wallboard scrapping by nonmaterial dealer employees which is to be reported separately in classification 0529 or 0534.

Special note: The basis of premium for this classification is material finished (square feet).

AMENDATORY SECTION (Amending WSR 97-12-011, filed 5/27/97, effective 7/1/97)

WAC 296-17-52126 Classification 0534.

~~((Wallboard scrapping by nonmaterial dealer employees—nondiscounted rate~~

~~This classification excludes wallboard scrapping by building material dealer employees which is to be reported separately in classification 1101, wallboard installation, wallboard taping, wallboard stocking, and wallboard priming and texturing which is to be reported separately in classification applicable to the work being performed.~~

Special note: The basis of premium for this classification is material stocked (square feet).

0534-00 Wallboard scrapping by nonmaterial dealer employees - nondiscounted rate (to be assigned only by the drywall underwriter)

Applies to contractors or employees of contractors engaged in the process of scrapping drywall. This activity entails the picking up and discarding of the wallboard remnants and scraps.

This classification excludes wallboard installation which is to be reported separately in classification 0524 or 0530; wallboard taping which is to be reported separately in classification 0526 or 0531; wallboard priming and texturing which is to be reported separately in classification 0527 or 0532; and wallboard stocking by nonmaterial dealer employees which is to be reported separately in classification 0528 or 0533.

Special note: The basis of premium for this classification is material finished (square feet).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-522 Classification 0601.

~~((Electrical machinery and auxiliary apparatus installation and repair—including incidental wiring~~

~~Electrical wiring in buildings, and electrical wiring, N.O.C. Erection of temporary floodlights—search light operation mounted on and generated by truck~~

~~Permanent flood lighting stadiums and parks~~

~~Television cable installation in buildings by contractor including drop-line connection (pole to house hook-up).))~~

0601-00 Electrical wiring in buildings; electrical wiring, N.O.C.; Permanent flood lighting: Installation

Applies to contractors engaged in the electrical wiring of buildings, or in electrical wiring not covered by another classification (N.O.C.). Work contemplated by this classification is characterized as general electrical work, including installation, service or repair at residential and commercial settings. This classification includes electrical work which generally begins at the power meter and extends to the inside or outside of the building or its exterior setting, including, but not limited to, the installation of the breaker panel, fuses, plugs and snap switches, rough-in electrical work to include the stringing of insulated or encased wiring and mounting of plug-in or switch housing boxes, installation of plug-in, dimmer and switch units; installation of light fixtures, recessed canister and fluorescent lighting, track lighting, and other interior and exterior lighting fixtures, installation of ceiling fans, and the installation of residential and commercial appliances such as built-in microwaves, dishwashers, electric ovens and oven hoods. This classification also includes the installation of permanent flood lighting at stadiums and parks. Generally, flood lighting fixtures are mounted onto poles, buildings, or other structures; the erection or construction of those structures is not included in this classification.

This classification excludes the installation of overhead or underground power lines and poles by an electric utility

PERMANENT

company which is to be reported separately in classification 1301; the installation of overhead power lines by a nonelectric utility contractor which is to be reported separately in classification 0509; and the installation of underground power lines by a nonelectric utility contractor which is to be reported separately in classification 0107.

0601-07 Electrical machinery and auxiliary apparatus: Installation and repair

Applies to contractors engaged in the installation and repair of electrical machinery and auxiliary apparatus such as, but not limited to, heavy motors, generators, converters, transformers, compressors and power switchboard equipment. Generally, this type of work occurs at industrial or commercial plants, power plants, or sites where large machinery is to be installed. Work contemplated by this classification includes extending insulator or encased wiring or cable from the power meter, breaker or control panel to the physical location where the machinery is to be installed, and incidental wiring of the machinery or auxiliary apparatus.

0601-08 Temporary floodlights or search lights: Erection

Applies to contractors engaged in the erection or set up of temporary floodlights away from the contractor's premises. Usually, these lights are mounted on a truck or trailer, then transported to the customer site or location where they are operated with use of a generator. Uses of temporary floodlights and searchlights include, but are not limited to, advertising grand openings or special sales at shopping malls, auto dealers, grocery and outlet stores, marking the location of special events such as carnivals or concerts, or at construction project sites.

This classification excludes the erection of permanent floodlight fixtures to poles, buildings or structures which is to be reported separately in classification 0601-00.

0601-15 Television cable: Installation service or repair in buildings by contractor

Applies to contractors engaged in the installation, service or repair of television cable in buildings. This classification includes the installation of television cable lines in residential and commercial buildings and includes the dropping of lines from the pole to the house, mounting of cable control panel boxes to the exterior of buildings, extending cable, mounting multiple line adapter units and relay switches, and affixing the cable end for hook-up to televisions and other stereo components.

This classification excludes the installation of underground or overhead television cable lines when performed by a television cable company which is to be reported separately in classification 1305; installation of underground television cable lines when performed by a nontelevision cable company contractor which is to be reported separately in classification 0107; and installation of overhead television cable lines from pole to pole by a nontelevision cable company contractor which is to be reported separately in classification 0509.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-523 Classification 0602.

((Elevators: Installation, service and repair—freight or passenger type

Elevator door bucks—installation:))

0602-03 Elevators or elevator door bucks: Installation, service and/or repair

Applies to contractors engaged in the installation, service and/or repair of freight or passenger elevators and elevator door bucks in private residences and commercial buildings or structures. Generally, the process begins after the elevator shaft has been erected, to include, but not be limited to, the installation of elevator units, doors, door bucks, cables and hoisting systems, motors, and electrical apparatus and wiring in connection with operation of the elevator.

This classification excludes the installation or repair of escalators and industrial machinery which is to be reported separately in classification 0603, and the erection of temporary construction elevators as part of a construction project which is to be reported separately in the classification applicable to the phase of construction being supported.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-524 Classification 0603.

((Commercial equipment installation, service and repair
Dynamos: Installation, service and repair including electrical generators and turbines

Engines and gas machines: Service and repair including installation, replacement of drive belts, erection of shafting

Industrial plant maintenance by contractor such as but not limited to paper mills, refineries, food processing plants and manufacturing plants

Machinery: Installation, service and repair—including installation and repair of escalator and conveyor systems, printing presses, and commercial laundry equipment N.O.C. and millwright work, N.O.C.

Playground equipment—metal: Installation and repair
This classification includes the dismantling of all the above types of machinery:))

0603-00 Machinery: Installation, service and/or repair, N.O.C.; Millwright work, N.O.C.

Applies to contractors engaged in the installation, service and/or repair of heavy machinery or equipment at a customer's location which is not covered by another classification (N.O.C.). Millwright work and the service or repair of engines and gas machines is also included. A millwright is a technician who specializes in installing and repairing industrial machinery. Typical customers include, but are not limited to, wood, metal and plastic manufacturing plants, fuel refineries, and mills. Types of machinery installed and repaired includes, but is not limited to, escalators, conveyor systems, printing presses, lathes, mill saws, dairy equipment and wind machines. (Store operations of dairy equipment/supply dealers or wind machine dealers are to be

reported separately in classification 6407.) Work contemplated by this classification includes, but is not limited to, the pouring of a concrete pad on which the machinery will be installed, cutting and welding of brackets and mountings, assembling component parts, any incidental electrical connections needed to complete the installation, and calibrating the controls and testing the machinery's operation when done by employees of an employer having operations subject to this classification. Placement of heavy machinery must often be done with cranes or by rigging hoists. This classification also includes the dismantling and removal of machinery and equipment covered by this classification.

0603-05 Dynamos, electrical generators and turbines: Installation, service and/or repair

Applies to contractors engaged in the installation, service and/or repair of dynamos, electrical generators and turbines at a customer's location. A dynamo is a generator of direct electrical current; a turbine is a mechanism that converts moving fluid into mechanical power. Customers include, but are not limited to, electrical utilities, manufacturing plants, mills, and telecommunications companies. Work contemplated by this classification includes, but is not limited to, preparation of a concrete pad on which the machinery will be installed, cutting and welding of brackets and mountings, assembly of component parts if necessary, any incidental electrical connections needed to complete the installation, and calibrating and testing the machinery's operation when done by employees of an employer having operations subject to this classification. Placement of heavy machinery must often be done with cranes or by rigging hoists. Also included is the dismantling and removal of dynamos, generators and turbines.

This classification excludes the installation of underground overhead power lines and poles by an electric utility company which is to be reported separately in classification 1301; the installation of overhead power lines by a nonelectric utility contractor which is to be reported separately in classification 0509; and the installation of underground power lines by a nonelectric utility contractor which is to be reported separately in classification 0107.

0603-07 Industrial plant maintenance by contractor

Applies to contractors engaged in maintaining, repairing and installing machinery on a long-term contract basis for customers at the customers' location. Customers include, but are not limited to, manufacturing or chemical plants, petroleum refineries, food processing plants and mills. Work contemplated by this classification includes all routine maintenance and repair of a customer's equipment such as, but not limited to, cleaning, oiling and regularly scheduled maintenance and replacement of machinery or machinery parts, equipment and other mechanical installations that are part of the customer's building when done by employees of an employer having operations subject to this classification.

0603-08 Metal playground equipment, portable bleachers or stages, above ground swimming pools: Installation, dismantling, and/or repair

Applies to contractors engaged in the installation, dismantling, and/or repair of metal playground equipment, por-

table bleachers or stages, and above ground swimming pools. Playground equipment includes, but is not limited to, swings, monkey bars, merry-go-rounds, and slides. Work contemplated by this classification for the erection of playground equipment and portable bleachers or stages includes boring holes in the ground (usually with an auger) into which the various pieces of equipment will be set in concrete, any incidental cutting, welding, drilling and bolting of the tubular steel components which are usually from one to four inches in diameter, and fastening on the chains, swings, handlebars, sliding surface, platforms, bench seats, or other components. Activities in the installation of above ground pools are similar. This classification also includes the application of any finish material or paint when done by employees of an employer having operations subject to this classification.

This classification excludes the installation of wood playground equipment which is to be reported separately in classification 0516.

0603-09 Commercial equipment: Installation, dismantling, service, and/or repair

Applies to contractors engaged in the installation, dismantling, service, and/or repair of commercial equipment such as, but not limited to, commercial dishwashing units, bakery and restaurant ovens, stoves, grills, sanitizers, steam tables, car washing equipment, commercial laundry equipment, electric entry doors, dry cleaning equipment, gas pumps, or parimutuel totalizer equipment at horse racing facilities. Work contemplated by this classification includes, but is not limited to, placing and leveling the equipment, any assembly of component parts if necessary, connecting or bolting to the wall or floor, making any necessary incidental plumbing or electrical connections, and calibrating and testing the equipment when done by employees of an employer having operations subject to this classification. Some pieces of equipment in this classification may be large enough that they must be moved and positioned with hoists or cranes. Also included is the dismantling and removal of commercial equipment.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-525 Classification 0604.

((Scrap metal dealers or processors—collect, sort and reduction of scrap metal-))

0604-04 Scrap metal dealers or processors: Collecting, sorting and reduction of scrap metal

Applies to establishments engaged as dealers or processors of ferrous and nonferrous scrap metals for resale. Ferrous metals are primarily composed of iron or steel. Nonferrous metals include, but are not limited to, aluminum, brass, bronze, copper, lead, magnesium, pewter, tin, and zinc. If the dealer collects scrap metals from mills, foundries, refineries, or fabricators, they usually leave dumpster containers with the "customer" and pick up the full containers with their own trucks. If they buy scrap from independent collectors, the collectors bring the metals to the dealer's yard. In either case, the metal is weighed, graded, and sorted by type at the dealer's yard. It may be resold as is to customers who occa-

sionally come to the yard; however, it is usually further processed and prepared for shipping to industrial customers. Shipping is done by rail, ship, or common carrier. As an incidental service, scrap dealers may also buy back recyclable goods such as, but not limited to, aluminum cans, glass, and batteries; this activity is included within the scope of this classification when performed by employees of employers subject to this classification. Processing includes one or more of the following operations: Cutting off impure metals or plastic parts with acetylene cutting torches; cutting scraps into smaller pieces with alligator shears or cutting torches; slicing heavier scrap metals or flattened automobiles with hydraulic guillotine shears; crushing auto bodies with crushers; ripping apart large pieces of scrap with shredders; separating metal from rubber, plastic, wood, dirt, and other materials with magnetic separators; removing insulated coverings from copper wire with wire choppers, and compressing scraps into bales with balers. Additional machinery includes, but is not limited to, conveyors, scales, forklifts, tractor-trailer trucks, cranes, electromagnets or grapples, front end loaders, and grinders. Because of recent EPA regulations, instead of melting down metals in their own furnaces, scrap dealers usually ship it to foundries or steel mills that conform with the regulations. However, reduction of metals is included within the scope of this classification if performed by an establishment subject to this classification.

This classification excludes dealers that sell new iron, steel, wire or cable which are to be reported separately in classification 2004; automobile or truck wrecking or dismantling establishments which are to be reported separately in classification 1104; and recycle, collection, and receiving stations (known as buy-back stations) for rags, bottles, paper, and metal containers which are to be reported separately in classification 2102.

Special note: Scrap metal dealers vary widely in the type of metals or usable items they buy and sell. Often the term "junk yards" is used to describe dealers who carry a sizable inventory of used goods, such as, but not limited to, bottles, rags, paper, appliances, nails, rubber, in addition to scrap metal in varying amounts. It is the activity of the business that must be considered when determining the classification, rather than how the business refers to its activities. Receiving/Buy-back stations for recyclable items in classification 2102 are different from dealers in classification 0604. Receiving stations buy back only recyclable items which they do not process, other than condensing the materials into bales, and selling it to others.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-526 Classification 0606.

~~((Amusement devices, N.O.C.: Installation, service, repair, and removal—coin-operated in stores and shopping malls~~

~~Coin-operated machines—money collecting service~~

~~Fire extinguisher sales and service~~

~~Vending or coin-operated machines: Installation, service, repair and removal—includes product preparation by vending company employees but excludes honor snack~~

~~food services which are to be reported separately in classification 1101 "driver delivery sales," provided that in the event that an honor snack food service is conducted as a part of and in connection with an operation subject to this classification (0606), classification 0606 will be assigned to cover both operations.))~~

0606-01 Vending, coin-, or token-operated machines: Installation service and/or repair

Applies to establishments engaged in the installation, service and/or repair of vending, coin- or token-operated machines. Operations contemplated by this classification include, but are not limited to, delivering machines to desired location, unloading and setting up machines, servicing machines, collecting money, repairing machines, and restocking product into machines. Coin-operated machines include pay telephone booths, weight machines, juke boxes, change makers, pull tabs, slot machines, and similar gaming devices. Vending machine products include, but are not limited to, soft drinks, candies, sandwiches, stamps, cigarettes, frozen desserts, coffee, and personal hygiene products. This classification also includes the preparation of products such as, but not limited to, salads, sandwiches, cookies, and deserts, and honor snack food services when performed by employees of an employer subject to this classification.

This classification excludes honor snack services operated independently from, and not in connection with, coin-operated vending machine services which are to be reported separately in classification 1101; and the installation of parking meter units which is to be reported separately in classification 0105.

0606-02 Fire extinguisher and fire safety equipment: Sales and service

Applies to establishments engaged in the sales and servicing of fire extinguishers and related safety equipment. Operations contemplated by this classification include, but are not limited to, retail and wholesale store operations, field testing services, recharging services, and related safety training. Establishments subject to this classification routinely sell a variety of home and commercial type fire extinguishers, protective clothing, gloves, and hats, specialty shoes, smoke and fire alarms, and first aid kits. Fire extinguisher sales and service companies may also carry other safety items such as traffic cones, construction and speed signs.

0606-03 Money collecting service of coin-operated and vending machines

Applies to establishments engaged in the removal and/or replacement of money into coin-operated machines. Operations contemplated by this classification are limited to the collection and replenishing of coins in coin-operated or vending machines. This classification also applies to replenishing currency in automated teller machines (cash machines) and removal of coins from parking meters and pay telephones.

This classification excludes the servicing of machines, placement of products into machines for sale, installation of machines, or any product preparation, which is to be reported separately in the applicable classification; installation of free standing automated teller machines which is to be reported separately in classification 0607; establishments engaged in

the construction of structures which house automated teller machines, such as those found in parking lots of shopping centers, which are to be reported separately in the applicable construction classifications.

0606-12 Coin- or token-operated amusement devices in stores or shopping malls, N.O.C.: Installation, removal, service and/or repair

Applies to establishments engaged in the placement and servicing of coin- or token-operated amusement devices, not covered by another classification (N.O.C.), within stores and shopping malls for use by the general public. Operations contemplated by this classification include, but are not limited to, the installation, service, repair, or removal of the devices, such as, but not limited to, video games, pinball machines, carousels and small amusement rides for children. Establishments subject to this classification generally are not involved in the operations of arcades or amusement rides. If an establishment subject to this classification also operates a video or amusement arcade, such operations may be reported separately in classification 6406 provided all the conditions of the general reporting rules covering the operation of a secondary business have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-527 Classification 0607.

((Advertising display set-up service within buildings by non-store employees

Car stereo, two way radio, and cellular phone system—installation, service and repair within vehicles

Dead bolt lock set: Installation—new construction by locksmith or contractor

Drapery or curtain rod: Installation—including the hanging of drapes and curtains

Household appliances: Used or second hand dealers—including installation, service and repair

Household appliances: Installation, service and repair by nonstore service and repair company

Meat slicer or grinder: Installation, service and repair

Rubber dock bumper: Installation, service and repair

Safes and vaults: Installation, service, repair and removal

Television and radio receiving sets: Installation, service and repair

Television antenna or satellite dish: Installation, service and repair

Window blinds and shades: Installation, service and repair.))

0607-11 Household appliances: Installation, service and/or repair by nonstore service or repair company; dealers of used household appliances

Applies to establishments engaged in the installation, service and/or repair of electrical or gas household appliances and to dealers of used electrical or gas household appliances. Many establishments covered by this classification have small retail store operations where they offer reconditioned or second hand appliances for sale, a parts department, and an area where appliances brought into the shop are repaired. Although this classification deals primarily with service away from the shop, the store, parts department and shop

operations are included within the scope of this classification. The term "household appliances" includes, but is not limited to, stoves, ovens, ranges, dishwashers, refrigerators, trash compactors, television sets, residential type garage door openers, washing machines, and clothes dryers. This classification also applies to the installation, service or repair of automated teller machines. Repair services provided by establishments subject to this classification may also include related smaller appliances such as video players, portable television sets, stereo systems, microwave and toaster ovens, blenders, coffee makers and mixers. The servicing of water softening systems, coffee and juice machines, and beer taps is also included in this classification.

This classification excludes dealers of new household appliances who are to be reported separately in classification 6306; installation, service, and/or repair of commercial appliances such as those used in laundries, bakeries, and restaurants which is to be reported separately in classification 0603; installation, service, and repair of commercial garage doors and openers which is to be reported separately in classification 0603; installation of water softening systems which is to be reported separately in classification 0306; and small table top or counter top appliance stores which are to be reported separately in classification 6406.

Special note: Classification 0607 is distinguishable from classification 6306-02 operations in that appliance stores covered in classification 6306-02 are engaged primarily in the sales of new appliances. Although classification 6306 includes repair of appliances, most repairs are related to warranty work and represent a minor part of the business. By contrast, the repair of appliances in classification 0607 is the primary activity of the business.

0607-16 Television antenna or satellite dish: Installation, removal, service and/or repair

Applies to establishments engaged in the installation, removal, service and/or repair of television antennas or satellite dish receiving units. Operations contemplated by this classification are limited to rooftop installation of television antennas or ground or rooftop-mounted satellite dish reception units. Establishments covered by this classification will generally employ technicians and installers to install systems and trouble shoot reception problems. Equipment is limited primarily to delivery trucks and vans, ladders, and small power and hand tools.

This classification excludes installation of larger commercial broadcasting or receiving antennas or dish units such as those found in television and radio broadcast stations which is to be reported separately in classification 0508; and establishments engaged in the sale of new console type and big screen televisions who also sell and install antennas which are to be reported separately in classification 6306.

0607-17A Safes or vaults, private mail boxes, or safe deposit boxes: Installation, removal, service and/or repair

Applies to contractors engaged in the installation, removal, service and/or repair of all types of safes or vaults regardless of size or application, private mail or postal boxes, or safe deposit box units within buildings. Safes and vaults

are found in businesses such as, but not limited to, banks, jewelry stores, rare coin and stamp stores, grocery stores, and gasoline service stations, as well as in private residences. Services contemplated by this classification include, but are not limited to, safe opening services.

0607-17B Lock sets and/or dead bolt locks: New installation

Applies to the *new installation* of lock sets and/or dead bolt locks on buildings or structures by contractor or by employees of a locksmith. The term *new installation* applies to installing a lock set (locking doorknob) or a dead bolt where none previously existed. The process consists of measuring and marking where the unit is to be placed on the door, boring holes into the door to accept the lock set or dead bolt lock, and installing the lock set unit using a power drill and basic hand tools.

This classification excludes the installation of a *replacement* lock set or dead bolt lock unit by employees of a locksmith, and locksmith store operations which are to be reported separately in classification 6309.

0607-18A Window/door blinds, shades, curtains and drapes: Installation

Applies to contractors and employees of store operations who are engaged in the installation of indoor or outdoor window coverings, such as, but not limited to, blinds, shades, screens, exterior roll shutters and draperies or curtains, but does not include awnings. The process consists of marking the location of covering on the frame or opening, securing brackets or hardware, rods and poles, and installing the covering.

This classification excludes the installation of window and door awnings which is to be reported separately in the applicable classification, and the manufacture of coverings which is to be reported in the applicable classification.

Special note: Care should be taken when considering the assignment of a store classification to an establishment engaged in the installation of coverings to verify that a store exists. It is common for establishments subject to this classification to have show rooms to help customers visualize covering products available for sale. These establishments have little or no product available for immediate sale, as most items are special order from the manufacturer. A bona fide window/door covering store will have a large assortment of coverings, as well as related home interior products such as, but not limited to, pillows, small rugs, and accent pieces, readily available for sale to customers.

0607-19 Advertising or merchandise display: Set up or removal within buildings by nonstore employees

Applies to contractors engaged in the set up or removal of advertising or merchandise displays within buildings for retail or wholesale store customers. Operations contemplated by this classification will vary from seasonal panoramas with extensive carpentry, painting, and art work to dressing mannequins to be displayed in store windows. Classification 0607 also includes employees of a manufacturer and manufacturer's representatives who are involved in the setting up of these displays.

This classification excludes employees of store operations engaged in setting up displays who are to be reported separately in the applicable store classification as this is a common store activity.

0607-21 Meat slicer or grinder: Installation, service and/or repair

Applies to contractors and employees of equipment manufacturers engaged in the installation service and/or repair of meat cutting, slicing, or grinding equipment within stores, restaurants, or processing plants. Repair may be performed at the customer's location or in a shop operated by an employer subject to this classification. This classification includes repair shops, field technicians, installers, and warehouse or parts department employees.

Special note: Establishments subject to this classification generally do not have store operations. Equipment is generally ordered from the manufacturer or distributor and shipped to the customer's location where it will be installed. In the event that an establishment subject to this classification has a store operation it is included within classification 0607.

0607-22 Protective bumpers: Installation

Applies to contractors engaged in the installation of protective bumpers on structures such as, but not limited to, store loading docks for freight or cargo. Operations contemplated by this classification are limited to measuring the dock to be fitted with a rubber bumper, finish cutting or otherwise fabricating the rubber pieces to fit the required application, and fastening the dock bumper with the use of hand tools. Dock bumpers are made of rubber from recycled tires or similar pliable materials.

This classification excludes the manufacture of loading dock bumpers which is to be reported separately in the applicable manufacturing classification.

0607-23 Cellular phone systems or audio components: Installation in vehicles, service and repair

Applies to establishments engaged in the installation of cellular phone systems and/or audio components in vehicles. Audio components include, but are not limited to, radios and stereo systems, speakers and amplifiers, alarm systems, television units, antennas, two-way radio systems. This classification applies to installation employees of stores that sell products as well as to auto service centers that specialize in the installation of products covered by this classification.

This classification excludes retail and wholesale store operations which are to be reported separately in the applicable store classification.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52701 Classification 0608.

((Electrical alarm systems including smoke alarms
Intercom or audio call box
Telecommunication and PBX or similar equipment
Telephone service prewire by contractor

This classification includes installation, service or repair of the above types of equipment and includes all shop or yard operations.))

0608-01 Electrical alarm systems: Installation, service, and/or repair

Applies to contractors engaged in the installation, service, and/or repair of electrical alarm systems such as, but not limited to, burglar, smoke, security, and fire, within buildings. Operations contemplated by this classification include, but are not limited to, installing low voltage wiring for security units, connecting control panels, installing motion or magnetic sensors on doors, windows, and hallways, installing security cameras and recording equipment, and installing smoke and fire alarm units on walls or ceilings. This classification includes both field and shop operations.

0608-02 Intercom or audio call box: Installation, service, and/or repair

Applies to contractors engaged in the installation, service, and/or repair of all types of building or plant audio communication systems such as, but not limited to, intercoms, sound and paging systems in stores and shopping malls, and call box units in factories and refineries. Operations contemplated by this classification include, but are not limited to, installation of low voltage wiring, installation of audio and speaker units and connecting control units. This classification includes both field and shop operations.

0608-04 Telephone and/or telephonic equipment - prewire by contractor: Installation, service, and/or repair

Applies to contractors engaged in the installation, service, and/or repair of all types of telephone and/or telephonic equipment within residences, office buildings, stores and shopping malls, factories, refineries or other types of buildings. Operations contemplated by this classification include, but are not limited to, installation of low voltage wiring, installation of telephone units, and connecting control units. This classification includes both field and shop operations, as well as contractors engaged only in prewiring buildings for telephone and computer systems, but who do not install equipment.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-528 Classification 0701.

((Dam construction, all operations in damsite area—This classification only applies to new dam construction—all other work is to be reported separately in the applicable construction class or classes.))

0701-00 New dam construction: All operations in dam site area

Applies to contractors engaged in the construction of new dams only, and includes all operations in the dam site area. A dam is a barrier built across a waterway to control the flow or level of water. Work contemplated by this classification includes the construction of the foundation and substructure such as, but not limited to, earth and rock excavation; boring or tunneling; pile driving or shaft sinking; caisson

work; erection of cofferdams; placement of reinforcing steel and rebar; setting and stripping of forms, false work (temporary forms and support structures), concrete distributing apparatus; erection of scaffolds; pouring and finishing concrete; and the placement of gates, turbines, control towers and electrical wiring apparatus. This classification also includes the incidental construction of fish ladders as part of the new dam construction project.

This classification excludes all other construction, service, or repair work done as part of an existing dam which is to be reported separately in the classification applicable to the phase of construction work being performed. For example, the inspection of the foundation by divers is to be reported separately in classification 0202; the patching of cracks in the dam is to be reported separately in classification 0518.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-529 Classification 0803.

((Cities and towns, excluding municipal power and transit systems, law enforcement officers and fire fighters—This classification excludes clerical office and administrative office personnel which are to be reported separately in classification 5305.))

0803-00 Cities and towns - all other employees

Applies to employees of cities or towns who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes administrative personnel such as engineers, safety inspectors, and biologists, who have field exposure, and also includes store and stock clerks. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to a work assignment, such as an auditor or social worker would encounter.

This classification excludes municipal power districts which are to be reported separately in classification 1301; municipal transit systems which are to be reported separately in classification 1404; law enforcement officers who are to be reported separately in classifications 6905 and 6906, as appropriate; fire fighters who are to be reported separately in classification 6904; volunteers who are to be reported separately in classification 6901; and clerical office and administrative employees who are to be reported separately in classification 5305.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-532 Classification 0901.

((Ship building or repair, N.O.C., all types—including dismantling of ship hulls

This classification includes all shop and yard operations.))

0901-00 Ship building and/or repair, N.O.C.

Applies to establishments engaged in the building and/or repair of ships not covered by another classification (N.O.C.) and to the dismantling of hulls. Ships contemplated by this classification are commercial vessels such as, but not limited

to military vessels, tugs, scows, barges and recreational vessels over 65 feet. This classification includes shop operations.

This classification excludes wood boat building and repair which is to be reported separately in classification 2903; sheet aluminum boat building which is to be reported separately in classification 3404; fiberglass boat building which is to be reported separately in classification 3511; plate aluminum boat building which is to be reported separately in classification 5209; and boat dealers, marinas, and boat house operations including repair centers which are to be reported separately in classification 3414.

Special note: This classification is seldom assigned as most work would be covered by LHWCA.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-534 Classification 1002.

((Mills: Shake and shingle—automated processes

For purposes of this classification, automated processes refers to shake and shingle mills equipped with automatic feeders on all saws, adjustable packing and cutting stations, and fully automatic systems for conveying material to work stations. All equipment must be equipped with automatic shut off switches. Within a shingle mill the operation of a trim saw must be performed by an individual as a separate function from that of the shingle saw operator (shingle sawyer is not to perform both functions). Shake splitters must be equipped with a gauge control mechanism which permits the operator to automatically set the thickness of the cut. Conveyor systems must have dual controls to allow the deckman and sawyer the ability to control incoming material to the work station.

Block mills must be equipped with an automated pallet dump to eliminate the handling of material to the sawyer work station or an adjustable scissor lift adjacent to the shingle saw or shake splitter. Blocked wood purchased by mills must be contained in pallets prior to entering the mill yard or premises. Log mills must be equipped with a fully mechanized log slip (used to move logs into the deck area), log levelers, stabilizers, and lifters must be present in the deck area, automatic deck cut off saw, live deck for moving material from the deck to the splitting area and overhead mounted splitters. Trim saws, also referred to as clipper saws, must be equipped with a laser guide or quartz light. This lighting reveals to the operator where its saw blade is in relationship to the material being processed.

For purposes of this classification, the following terms or words shall be given the meanings below:

Automatic deck or cut off saw—A large saw, usually circular, used to trim logs to a specified length (rounds) before they enter a manufacturing plant.

Clipper saw—A machine used to make shingle edges parallel.

Shingle—Roofing or siding material having sawn faces and backs, are of a standard thickness at the butt end and tapered finish at the other end.

Shake—Roofing or siding material having at least one surface with a natural grain textured split surface.

Live deck—A chain driven platform located in the same proximity as the deck saw and is used to convey cut rounds from the cutting area to the splitting area.

Log stabilizer—A levered device adjacent to the deck saw used to hold the log steady while it is being cut.

Log slip—A chain driven conveyor used to move logs into the deck area.

Laser or quartz guide light—An overhead mounted light above a saw that illuminates that portion of a work surface where the saw blade will pass or make a cut.

Log leveler—A levered device adjacent to the deck saw used to level a log automatically.

Overhead splitter—A ceiling mounted hydraulic, air or electrically operated apparatus with wedge shaped end that is used to split log rounds into block wood when activated by the splitterman.

Shingle saw—A machine used to make shingles.

Shake splitter—A machine used to split blocks into shake blanks.

Shake saw—A machine used to saw shake blanks into a finished wedged shape product.

Shake and shingle mills not meeting all the conditions as set forth above shall be separately classified in classification 1005 "Shake and shingle mills, N.O.C."

Sawmills, operation and maintenance

This classification excludes operations conducted in the woods which is to be reported separately in classification 5001 "logging, N.O.C.")

1002-00 Sawmills: Operation and maintenance

Applies to establishments engaged in the operation and maintenance of a sawmill. Sawmills receive raw logs which they usually store temporarily in their yard before cutting them into rough and finished lumber. This classification includes operations such as, but not limited to, loading raw logs onto the conveyor or log slip; sawing logs with a variety of head, cut-off, circular or band saws; grading and sorting lumber; drying green (wet) lumber; and the stacking and storing of lumber. The raw logs are cut into rough lumber, such as cants and blocks, or into finished lumber, such as posts, planks or boards.

This classification excludes all operations conducted in the woods, such as logging or use of a portable sawmill, which is to be reported separately in classification 5001, and establishments engaged only in the manufacturing of wood, veneer, veneer products, or lumber remanufacturing which is to be reported separately in the classification applicable to the manufacturing being performed.

1002-08 Shake and shingle mills - automated process

Applies to establishments operating an automated shake and shingle mill which manufacture shakes, shingles and/or ridge caps using automated processes. For purposes of this classification, automated processes refers to shake and shingle mills equipped with automatic feeders on all saws, adjustable packing and cutting stations, and fully automatic systems for conveying material to work stations. All equipment must be equipped with automatic shut off switches. Within a shingle mill the operation of a trim saw must be performed by

an individual as a separate function from that of the shingle saw operator (shingle sawyer is not to perform both functions). Shake splitters must be equipped with a gauge control mechanism which permits the operator to automatically set the thickness of the cut. Conveyor systems must have dual controls to allow the deck man and sawyer the ability to control incoming material to the work station.

Block mills must be equipped with an automated pallet dump to eliminate the handling of material to the sawyer work station or an adjustable scissor lift adjacent to the shingle saw or shake splitter. Blocked wood purchased by mills must be contained in pallets prior to entering the mill yard or premises. Log mills must be equipped with a fully mechanized log slip (used to move logs into the deck area), log levelers, stabilizers, and lifters must be present in the deck area, automatic deck cut-off saw, live deck for moving material from the deck to the splitting area and overhead mounted splitters. Trim saws, also referred to as clipper saws, must be equipped with a laser guide or quartz light. This lighting reveals to the operator where its saw blade is in relationship to the material being processed.

For purposes of this classification, the following terms or words shall be given the meanings below:

Automatic deck or cut-off saw: A large saw, usually circular, used to trim logs to a specified length (rounds) before they enter a manufacturing plant.

Clipper saw: A machine used to make shingle edges parallel.

Shingle: Roofing or siding material having sawn faces and backs, are of a standard thickness at the butt end and tapered finish at the other end.

Shake: Roofing or siding material having at least one surface with a natural grain textured split surface.

Live deck: A chain driven platform located in the same proximity as the deck saw and is used to convey cut rounds from the cutting area to the splitting area.

Log stabilizer: A levered device adjacent to the deck saw used to hold the log steady while it is being cut.

Log slip: A chain driven conveyor used to move logs into the deck area.

Laser or quartz guide light: An overhead mounted light above a saw that illuminates that portion of a work surface where the saw blade will pass or make a cut.

Log leveler: A levered device adjacent to the deck saw used to level a log automatically.

Overhead splitter: A ceiling mounted hydraulic, air, or electrically operated apparatus with wedge shaped end that is used to split log rounds into block wood when activated by the splitterman.

Shingle saw: A machine used to make shingles.

Shake splitter: A machine used to split blocks into shake blanks.

Shake saw: A machine used to saw shake blanks into a finished wedged shaped product.

This classification excludes all operations conducted in the woods, such as logging or the cutting and splitting of shake or shingle bolts, which are to be reported separately in classification 5001.

Special notes: Shake and shingle mills not meeting all the conditions as set forth above shall be reported separately in classification 1005 "shake and shingle mills, N.O.C."

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-535 Classification 1003.

((Creosote works, pile and pole treating—yard operations only

Pole yard

Masts and spars yards.))

1003-02 Dry kiln operations

Applies to establishments engaged in kiln drying of wood as a service for customers in the wood products industry. They may also purchase and dry wood themselves for later sale to a wood product manufacturer. Operations contemplated by this classification include, but are not limited to, receiving green lumber or logs, peeling (mechanized or manual), any incidental machining or turning, layering on a trolley (with spacers in between to allow for air circulation), drying in the heated kiln, and the incidental application of preservative, fire retardant, or insecticide treatments, storing, and delivery. Preservatives may be oil or water based and may be applied through a heated, pressurized vacuum process in an autoclave, by surface application (spraying, brushing, dipping) or by soaking in tanks. Machinery and equipment includes, but is not limited to, log handling and trimming machinery, kilns, boilers that heat the kilns, autoclaves, storage tanks, trolley cars, fork lifts, hand tools and delivery trucks.

This classification excludes dry kiln operations that are part of a wood, veneer or lumber product manufacturing or remanufacturing operation which are to be reported separately in the classification applicable for the operation being performed; all operations conducted in the woods, such as the felling of timber, which are to be reported separately in the applicable logging classification, and work conducted away from the shop or yard, except delivery, which is to be reported separately in the classification applicable for the work being performed.

1003-03 Creosote works: pile and pole treating

Applies to establishments engaged in treating wood poles with creosote or other chemicals to inhibit deterioration. Poles produced by this type of business are intended for use as utility line poles, supports for bridges and trestles, or piles to be driven into the ground as part of the support for a pier or other structure. Operations contemplated by this classification include, but are not limited to, receiving logs, storing, seasoning (either by air or kiln drying), peeling (mechanized or manual), any incidental machining and turning (which may include cutting material into ties or cross arms), the application of creosote or other chemical preservative, and pick up and delivery. Preservative may be applied to seasoned wood through a heated, pressurized vacuum process in an autoclave, by surface application (spraying, brushing, dipping), or soaking in tanks. Machinery and equipment includes, but is not limited to, log handling/trimming/cutting machinery, kilns, boilers that heat the kiln, autoclaves, stor-

age tanks, trolley cars for use in the kiln, fork lifts, hand tools, and trucks.

This classification excludes all operations conducted in the woods, such as the felling of timber, which are to be reported separately in the applicable logging classification, and work conducted away from the shop or yard, except delivery, which is to be reported separately in the classification applicable for the work being performed.

1003-04 Pole yards

Applies to establishments engaged in producing wood poles to a customer's specifications or for their own resale. These poles are intended for a variety of uses and are finished to varying requirements. Work contemplated by this classification includes, but is not limited to, receiving logs, storing, seasoning (either by air or kiln drying), peeling (mechanized or manual), incidental machining or turning (which may include cutting some material into cross arms, cutting and boring), the application of creosote or other chemical preservative, and pick up and delivery. Preservative may be applied to seasoned wood through a heated, pressurized vacuum process in an autoclave, by surface application (spraying, brushing, dipping), or soaking in tanks. Machinery and equipment includes, but is not limited to, log handling/trimming/cutting machinery, kilns, boilers that heat the kiln, autoclaves, storage tanks, trolley cars for use in the kiln, fork lifts, hand tools, and trucks.

This classification excludes all operations conducted in the woods, such as the felling of timber, which are to be reported separately in the applicable logging classification, and work conducted away from the shop or yard, except delivery, which is to be reported separately in the classification applicable for the work being performed.

1003-05 Masts and spars yards

Applies to establishments engaged in producing wood masts and spars. Masts and spars are the main and secondary supports, respectively, for sails and running rigging on sailing vessels. These businesses may also produce poles for other uses which may need to be more precisely shaped and finished than those produced in 1003-04. Work contemplated by this classification includes, but is not limited to, receiving logs, storing, seasoning (either by air or kiln drying), peeling the logs (mechanized or manual), machining and turning to size (which may include cutting and boring holes), application of chemical preservative, sanding if necessary, and pick up and delivery. The application of wood finish is also included when performed by employees of an employer having operations subject to this classification. Preservative may be applied to seasoned wood through a heated, pressurized vacuum process in an autoclave, by surface application (spraying, brushing, dipping), or soaking in tanks. Machinery and equipment includes, but is not limited to, log handling/trimming/cutting machinery, kilns, boilers that heat the kiln, autoclaves, storage tanks, trolley cars for use in the kiln, fork lifts, wood finishing equipment, hand tools, and trucks. This classification includes the production of finished logs that will be used in the manufacture of log houses or cabins.

This classification excludes all operations conducted in the woods, such as the felling of timber, which are to be

reported separately in the applicable logging classification, and work conducted away from the shop or yard, except delivery, which is to be reported separately in the classification applicable for the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-53501 Classification 1004.

~~((Log storage and log sorting yards—excluding log storage or sorting yards operated in connection with all logging operations and by an employer whose operations are subject to either classification 5001 or 5005~~

~~This classification excludes all log trucking operations conducted outside of the log storage and log sorting yards.))~~

1004-00 Log storage and log sorting yards

Applies to establishments engaged in the operation of log storage or sorting yards. The logs may be owned by the yard, for later sale, or stored for others. Operations contemplated by this classification include, but are not limited to, loading/unloading log trucks, grading logs by type or size, stacking logs, recordkeeping, security and routine maintenance of grounds and equipment.

This classification excludes all trucking outside of the yard which is to be reported separately in classification 1102; log storage or sorting yards operated by a logging company at a side or a remote location, which are considered an inclusion and are to be reported separately in classifications 5001 or 5005 as applicable; and log storage yards operated in conjunction with a pole yard, log drying, or wood products manufacturing business which are to be reported separately in the classification applicable to the business.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-53502 Classification 1005.

~~((Shingle mills, operations and maintenance~~

~~Shake mills, operations and maintenance~~

~~This classification excludes operations conducted in the woods which is to be reported separately in classification 5001 "logging, N.O.C.")~~

1005-02 Shake and/or shingle mills

Applies to establishments engaged in the operation and maintenance of a shake and/or shingle mill. Work contemplated by this classification includes receiving raw logs which they cut and split into shakes, shingles and ridge caps. A shake is a roofing or siding material having at least one surface with a natural grain textured split surface. A shingle is a roofing or siding material having sawn faces and backs and are of a standard thickness at the butt end and tapered finish at the other end. A ridge cap is produced from two pieces nailed together to form a "v" shape placed on the center line of a roof. Raw logs are temporarily stored in the yard. This classification may include operations such as, but not limited to, loading raw logs onto a conveyor or log slip, cutting the log into rounds, splitting the rounds into blocks, feeding the blocks through a shake or shingle saw, grading and sorting, bundling, stacking and storing of finished shakes, shingles

and/or ridge caps. Machinery and equipment includes, but is not limited to, log loaders, conveyors, log slips, overhead splitters, cut-off saws, shake saws, shingle saws, taper saws, head saws, pallet presses, and forklifts.

This classification excludes establishments engaged exclusively in the manufacturing of ridge caps or shims which are to be reported separately in classification 2903; automated shake and shingle mills which are to be reported separately in classification 1002 provided the entire process to produce shakes and shingles uses automated processes at the mill site, meets the requirements defined in WAC 296-17-534; and all operations conducted in the woods, such as logging or the cutting and splitting of shake or shingle bolts, which are to be reported separately in the applicable logging classification.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-53504 Classification 1007.

~~(Foresters, forest rangers and timber cruisers-
Geophysical exploration, N.O.C., no core drilling
Inspection and grading bureaus, N.O.C.
Log scaling and grading bureaus
Lumber inspection services
Prospectors
Rainmaking—not by aircraft
Surveyor services, N.O.C.
Testing and inspecting of pipe lines—radiographers
Weather stations
Weigh scale attendants, N.O.C.
X-raying by contractor at industrial plants or construction sites~~

~~Classification 1007, classification 5001, and classification 5004 shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees.)~~

1007-08 Geophysical exploration, N.O.C.

Applies to contractors engaged in geophysical exploration, with no core drilling, and without seismic detection, who are not covered by another classification (N.O.C.). The more common methods of geophysical exploration are gravitational, electric and magnetic. In the gravitational method, delicate pendulums and torsion balances capable of detecting differences in the gravitational pull of the earth at various places enable the geologist to tell where oil is likely to be found. There are two electrical methods, resistivity and inductive. In the resistivity method, measurements are taken on an ohmmeter, which indicate the resistivity of the subsurface. The inductive method is somewhat comparable, but instead of determining the resistivity of the subsurface formations, the conductivity is measured enabling the geologist to determine the character of the subsurface being studied. The magnetic method is accomplished by means of a highly developed form of magnetic dipping needle with a telescope magnifier. The magnetic attraction exerted by magnetic rocks and formations causes the needle to deflect from its horizontal plane, thereby enabling a geologist to develop con-

tour maps with lines of equal magnetic attraction. This classification includes prospectors who may specialize in particular instrumentation such as electrical, gravity, magnetic or seismic. The prospector studies structure of subsurface rock formations to locate petroleum deposits; conducts research using geophysical instruments such as seismograph, gravimeter, torsion balance, and magnetometer, pendulum devices, and electrical resistivity apparatus to measure characteristics of the earth; computes variations in physical forces existing at different locations and interprets data to reveal subsurface structures likely to contain petroleum deposits; and determines desirable locations for drilling operations. This classification includes prospecting for mineral ores and the testing of soil for percolation when performed by employees of an employer subject to this classification.

This classification excludes core drilling and seismic geophysical exploration which are to be reported separately in classification 0103, and geophysical crews employed by oil companies who are to be reported in the classification applicable to the business.

Special note: When assigning classifications 1007-08, 4901-16 - Geologists, and 0103-10 - Seismic geophysical exploration, care must be taken to look beyond the word "geologist" to determine the actual nature of the activities being performed.

1007-09 Testing and inspecting of pipelines using radiographic or X-ray analysis process by contractor at industrial plants or construction sites

Applies to establishments engaged in the testing or inspecting of pipelines or conduits for others, provided the testing or inspecting is not performed in conjunction with the construction of the pipeline. This classification includes testing or inspecting involving radiographic or X-ray analysis processes such as the X-raying of containers, inspecting of utility lines, and the drawing of oil samples on-site when performed by employees of an employer subject to this classification. Classification 1007-09 is assigned primarily to field activities.

This classification excludes testing or inspecting done in conjunction with construction which is to be reported separately in the appropriate construction classification.

1007-15 Inspection and grading bureaus, N.O.C.; log scaling and grading bureaus; lumber inspection services; weigh scale attendants, N.O.C.; weather stations; rainmaking - no aircraft

Applies to establishments operating as inspection and grading bureaus, not covered by another classification (N.O.C.), including, but not limited to, those involved in inspecting and grading commodities such as logs, lumber, shingles, shakes, poles, and railroad ties. The commodity is examined and stamped with a grademark which indicates the grade, species, producer's name or number and other pertinent data. A certificate of inspection may be issued in lieu of a grademark. The purpose of the inspection is to grade, tally, and stamp only those products which meet certain required specifications and to cull those products which do not meet the established standards. Log scaling and grading bureaus measure the logs, and by applying log rule formulas, deter-

mine the net yield, usually expressed in board feet. A scale ticket containing descriptive data is attached to the end of the log. This classification also applies to weigh scale attendants not covered by another classification (N.O.C.), when the service is available to the general public, otherwise the weigh scale attendants are to be included in the basic classification of the business. This classification includes establishments engaged exclusively in such services as auto emission control testing, air flow balancing and testing, the balancing and testing of heating, ventilating and air conditioning systems, hydrostatic testing of such objects as boilers, tanks, pipes and fittings using compressed air or water pressure to detect leaks, the strength testing of building material such as, but not limited to, asphalt, concrete and steel; and the testing or inspecting of steel weldments. This classification also includes weather stations which observe and record weather conditions for use in forecasting, and which read weather instruments, including thermometers, barometers, and hygrometers to ascertain elements such as temperature, barometric pressure, humidity, wind velocity, and precipitation. Weather data is transmitted and received also from other stations. A fully automated (computerized) weather station can be reported under classification 4904. This classification also covers rainmaking without the use of aircraft.

Special note: Classification 1007, classification 5001, and classification 5004, shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-16 Foresters (to be assigned only by reforestation underwriter)

Applies to foresters engaged in forest management for others. Foresters may plan and direct forestation or reforestation projects, map forest areas, estimate standing timber and future growth, or manage timber sales. Foresters also may plan cutting programs to assure continuous production of timber, and determine methods of cutting and removing timber with a minimum of waste and environmental damage. They may plan and design forest fire suppression and fire-prevention programs, plan and design construction of fire towers, trails, roads and fire breaks and may also plan and design projects for control of floods, soil erosion, tree diseases, and insect pests in forests. Foresters may specialize in one aspect of forest management.

This classification excludes manual labor or direct supervision of manual labor.

Special note: Classification 1007, classification 5001, and classification 5004 shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-18 Foresters and timber cruisers - scientific tree, forestry, and watershed studies (to be assigned only by reforestation underwriter)

Applies to establishments engaged in scientific tree studies for others. Scientific tree studies are research oriented;

random sample plots are measured and data such as the size of trees, species, disease and insect or animal damage, and seedling mortality, are recorded. Plots are maintained where each tree is tagged, its genealogy recorded, and growth statistics entered. A scion (a detached living shoot or twig) may be grafted onto a root stock and detailed records maintained of its genealogy and growth. Other data, such as fertilizers used, also may be maintained. These test plots are sometimes referred to as progeny plots or progeny studies. This classification includes scientific studies of watersheds or watershed restoration which involves the evaluation of slopes, road systems, streams and the entire ecosystem (an ecological community with its physical environment, regarded as a unit). This classification also includes precommercial thinning layouts or pruning inspections to determine if an area is ready for thinning or pruning.

This classification excludes manual labor or direct supervision of manual labor.

Special note: Classification 1007, classification 5001, and classification 5004 shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-19 Timber cruisers (to be assigned only by reforestation underwriter)

Applies to timber cruisers engaged in cruising timber land to estimate the volume and quality of a timber stand through an on-site visual inspection for others. A timber cruiser collects data concerning forest conditions for appraisal, sales, administration, logging, land use, and forest management planning. A forest area is traversed on foot in an established pattern and sampling techniques applied. The height and diameter of each tree in a test site is recorded as are defects such as rot and bends, to estimate the useable wood in each tree. From the data collected a summary report is prepared giving the timber types, sizes, condition and outstanding features of an area, such as existing roads, streams, and communication facilities. Trees may be marked with spray paint to denote trail, boundary, or for cutting.

This classification excludes manual labor or direct supervision of manual labor.

Special note: Classification 1007, classification 5001, and classification 5004 shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-20 Foresters and timber cruisers - tree auditing (to be assigned only by reforestation underwriter)

Applies to establishments engaged in tree auditing for others. This service is generally associated with new plantations and is the process of evaluating the quality and the rate of planting of new trees, as well as surveying newly planted sites on a periodic schedule to determine the survival rate.

This classification excludes tree auditing services when planting is in process, which is to be reported separately in

classification 5004, and manual labor or direct supervision of manual labor.

Special note: Classification 1007, classification 5001, and classification 5004 shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

1007-21 Environmental and ecological surveyor services, N.O.C.

Applies to establishments engaged in providing environmental and ecological surveying services not covered by another classification (N.O.C.) for others. Environmental or ecological surveying firms typically serve as consultants to industrial or commercial enterprises, governmental agencies or private citizens. Environmental engineer is a term applied to engineering personnel who apply knowledge of chemical, civil, mechanical, or other engineering disciplines to preserve the quality of life by correcting and improving various areas of environmental concern, such as air, soil, or water pollution. Services include identifying and projecting potential environmental impact resulting from proposed projects, assessing the source, severity and extent of environmental damage resulting from human or natural causes, and recommending solutions to protect or regain the natural balance between organisms and their environment. Activities of environmental surveying/consulting establishments include, but are not limited to, locating archaeological sites for preservation, researching and collecting field data on birds and insects, preparing impact statement for landowners and developers, stream and fish monitoring, botanical surveys, wetland surveys, soil and groundwater testing for contamination, air monitoring including industrial hygiene services, monitoring and testing at hazardous waste sites, providing advice on pollution control at its source, and developing a plan for cleaning up already recognized problems such as waste disposal sites, radon or asbestos contamination. Other services provided may include helping clients develop a system for complying with various governmental regulations. This classification includes employees of the environmental surveying service who conduct field work as well as those who are assigned to act as project managers or project superintendents to oversee the work of remediation contractors.

This classification excludes all types of remediation work which is to be reported separately in the classification applicable to the type of remediation work being performed, and surveyors employed by construction companies or other types of businesses who are to be reported separately in the applicable classifications.

Special note: When assigning classifications 1007 or 4901, care must be taken to look beyond the words "consulting" or "engineering" to determine the actual nature of the activities being performed. Classifications 1007 and 4901 shall not be assigned to the same business unless the operations described by these classifications are conducted as separate and distinct businesses, each business has separate and distinct employees, and the conditions set forth in the general reporting rules covering the operation of a secondary business have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-536 Classification 1101.

((Automobile delivery drive away, automobile repossessing Computer tape/accounting records delivery service Delivery by retail, wholesale, combined wholesale and retail stores and distributors, N.O.C. Delivery companies, deliver parcels and packages, no bulk merchandise Distribution of sample merchandise by vehicle Driver delivery sales, N.O.C. Drivers of sound trucks News agents or distributors of magazines, periodicals and telephone books, no retail dealer Route food services, excluding food preparation which is to be reported separately in classification 3905- Street vending vehicles:))

1101-04 Automobile delivery or repossessing

Applies to establishments engaged in delivering or repossessing individual automobiles for others. Generally, a client will contact the service company and arrange for a car to be delivered to a specific destination or request that a car of which they (client) is the legal owner, be repossessed and delivered to a specific location. In either case, a driver, not a motorized transportation service, does the delivery. Duties of employees subject to this classification are generally limited to unlocking vehicles and driving. It is common on long distance deliveries for the service company to use more than one driver. This classification also applies to drivers of sound trucks.

This classification excludes operation of tractor/trailer combinations to transport vehicles which is to be reported separately in classification 1102 or classification 1109, depending on the method of transporting.

1101-06 Delivery by retail and wholesale stores and distributors, N.O.C.

Applies to employees of retail and wholesale stores engaged in inter-store delivery, customer merchandise delivery when excluded from the store classification, and delivery not covered by another classification (N.O.C.). Employees subject to this classification are generally involved in loading and unloading delivery vans or trucks and driving from store to store, or from a store to a customer's location. Drivers may or may not have designated routes or delivery areas. This classification is not applicable to establishments engaged in general trucking services which are to be reported separately in classification 1102. Classification 1101 is distinguishable from delivery operations reported in classification 1102 in that businesses covered by classification 1102 generally do not own the merchandise they are transporting.

1101-09 Parcel delivery companies for delivery of small parcels

Applies to establishments engaged in the delivery of small parcels for others. Establishments subject to this classification may offer overnight express services, but usually do not deliver packages that exceed 150 pounds. Work contemplated by this classification includes, but is not limited to,

driving, loading and unloading delivery vehicles. This classification also applies to contract mail delivery route drivers and contract hauling of mail between post offices.

This classification excludes the delivery of bulk freight such as that delivered by trucking companies which are to be reported separately in classification 1102.

1101-14 News agents or distributors of magazines, periodicals and telephone books - no retail dealers

Applies to establishments engaged in the distribution of newspapers, periodicals, and telephone books. Work contemplated by this classification includes, but is not limited to, driving, loading and unloading the vehicles, stocking shelves, and removing old periodicals from shelves.

1101-17 Driver delivery sales, N.O.C.

Applies to establishments engaged in route sales of a wide variety of merchandise not covered by another classification (N.O.C.), including, but not limited to, hand tools, automotive supply, household items, used clothing, snack foods (such as potato chips), dairy products, greeting cards, over-the-counter medications, grooming products, and pamphlets. Sales personnel drive company vehicles to deliver products which have been previously ordered and, while at the customer's location, solicit further orders, remove outdated merchandise, and restock shelves or displays. They may also call on new customers along their route. The classification also applies to establishments or employees who travel to their customer's place of business and remove outdated merchandise from shelves and restock with new products.

1101-19 Route food services

Applies to establishments engaged in route food services where prepackaged, prepared food is sold, or where food may be prepared in the mobile unit for immediate sale by employees of the route food service. Duties include, but are not limited to, driving, food preparation, loading and unloading the vehicle, and cashiering. Typical route food services include, but are not limited to, traveling coaches that sell beverages and prepared pastries or snack items at various locations during a given work day, ice cream wagons, refrigerated trucks that sell specialty prepackaged foods to route customers, or mobile "short-order" food services that sell fast foods at special events or at locations where hot food may not be available.

This classification excludes food preparation at a fixed location for the route food vehicles which may be reported separately in classification 3905 or as applicable.

1101-20 Computer tape or accounting records delivery service

Applies to establishments engaged in picking up and delivering computer tape, accounting records, or similar financial records to or from storage centers to customer locations. Delivery drivers in this classification often work in metropolitan areas and drive small cars or bicycles.

1101-21 Errand service

Applies to establishments engaged in providing errand services for others. Types of errands include, but are not limited to, shopping services, delivery of food, beverages or

other commodities, and delivery of body fluid samples to laboratories. Vehicles used by these services are typically small cars or bicycles. This classification also applies to the distribution of sample merchandise by vehicle.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-537 Classification 1102.

~~((Interstate and intrastate trucking including transport companies, express companies, freight hauling and trucking, N.O.C.))~~

1102-02 Interstate trucking

Applies to establishments engaged in interstate trucking. Interstate trucking is the hauling of goods that either originate out of state or have an out-of-state destination. Duties include driving, mechanical repair, and in some cases loading/unloading vehicles. The loading and unloading may be done with forklifts, pallet jacks, hand trucks, or by hand. The drivers may have an assigned route, or they may be assigned a different destination each trip.

Special notes: Effective July 1, 1993, trucking establishments are allowed to have both the trucking classification 1102 and the freight handling classification 2002. However, hours cannot be split for a worker who works in both classes. If an employee has any driving duties, all their hours are to be reported in classification 1102. Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

1102-03 Intrastate trucking

Applies to establishments engaged in intrastate trucking. Intrastate trucking is the hauling of goods only within the boundaries of a state. In other words, the goods must have both an origin and destination in the same state. Duties include driving and, in some cases, loading and unloading the vehicles. The loading and unloading may be done with forklifts, pallet jacks, hand trucks, or by hand. The drivers are usually assigned routes or a territory. Businesses in this classification usually have terminals or storage depots where merchandise is stored awaiting transfer.

Special notes: Effective July 1, 1993, trucking establishments are allowed to have both the trucking classification 1102 and the freight handling classification 2002. However, hours cannot be split for a worker who works in both classes. If an employee has any driving duties, all their hours are to be reported in classification 1102. Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry.

1102-04 Combined interstate/intrastate trucking

Applies to establishments engaged in a combination of interstate/intrastate trucking activities. Businesses assigned to this classification generally do not produce, manufacture, or legally own the goods they are hauling. Interstate trucking

is the hauling of goods which either originate out of state or have an out-of-state destination. Intrastate trucking is the hauling of goods only within the boundaries of a state. In other words, the goods have both an origin and destination in the same state. Duties include driving and, in some cases, loading and unloading the vehicles. The loading and unloading may be done with forklifts, pallet jacks, hand trucks, or by hand. The drivers are usually assigned routes or a territory. Establishments in this classification usually have terminals or storage depots where merchandise is stored awaiting transfer.

Special notes: Effective July 1, 1993, trucking establishments are allowed to have both the trucking classification 1102 and the freight handling classification 2002. However, hours cannot be split for a worker who works in both classes. If an employee has any driving duties, all their hours are to be reported in classification 1102. Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-538 Classification 1103.

~~((Beauty bark dealers: Yard operations—excludes bark grinding operations which are to be reported separately in classification 2903~~

~~Composting services: Yard operations including mulching and chipping vegetative matter~~

~~Coal and solid fuel dealers: Yard operations—excludes mining or digging operations which are to be reported separately in the applicable classification~~

~~Firewood dealers: Yard operations—excludes firewood cutting in the woods which is to be reported separately in classification 5001~~

~~Pallet recycle service: Yard operations—excludes pallet manufacturing, assembly or repair which is to be reported separately in classification 2903~~

~~Peat or humus dealers—excluding digging operations which are to be reported separately in classification 0112~~

~~Top soil dealers: Yard operations~~

~~This classification includes delivery when performed by employees of an employer subject to this classification.))~~

1103-00 Coal and solid fuel dealers - yard operations

Applies to establishments engaged in the sale and delivery of coal, pressed wood fiber logs (fire logs), wood stove pellets, wood chips, and sawdust. Operations contemplated by this classification include all related store, yard and delivery operations when conducted by employees of employers having operations subject to this classification.

This classification excludes all manufacturing operations which are to be reported separately in the classification applicable to the material and process used, and all mining operations which are to be reported separately in the applicable classification.

1103-02 Firewood dealers - yard operations

Applies to establishments engaged in the sale of firewood. This classification is limited to establishments operating a firewood sales lot where customers either pick up firewood or the dealer will make deliveries from. Operations contemplated by this classification are limited to yard and delivery operations.

This classification excludes firewood cutting operations conducted in timber or forest lands and firewood sales lots conducted from a logging landing which are both to be reported separately in the applicable logging classification.

Special note: Establishments subject to this classification may purchase precut firewood from other nonrelated businesses or may have a cutting crew. The only cutting operations allowed in classification 1103 are those conducted in the sales lot.

1103-04 Composting

Applies to establishments engaged in composting yard waste or other materials. Depending on the type of yard waste accepted, grinders may be used to reduce the size of the material for faster composting. Once the material is an acceptable size for composting, it may be placed in static curing piles, turned periodically to aerate until it is adequately decomposed, then sometimes screened. Another method of curing is to place the waste material in long rows, called "windrows" which are turned periodically. Other establishments, either operated privately or by municipalities, may use processed and dewatered sludge which is mixed with other materials such as shredded yard waste, sawdust, or other wood waste. The mixture must be designed to have the right degree of moisture and air to maintain a temperature of between 130 and 160 degrees Fahrenheit. The end product, in either instance, is a "Class A" pathogen product, meaning it can be used in soil for raising vegetables and is referred to as "manufactured" soil. This classification includes delivery when performed by employees of an employer having operations subject to this classification.

1103-05 Pallet recycle service - yard operations

Applies to establishments engaged in the sale of used wood pallets to others. Operations contemplated by this classification are limited to the pick up of discarded used pallets from stores, warehouses, or other facilities, transporting of pallets to the establishment's sorting and storage yard where they are sorted by grade and size, reloading of pallets onto trucks, and delivery of pallets to customers.

This classification excludes all pallet repair activities which are to be reported separately in classification 2903.

1103-06 Top soil, humus, peat and beauty bark dealers - yard operations

Applies to establishments engaged in the sale of soils, humus, peat, and beauty bark to others. Operations contemplated by this classification are limited to the receipt of soils, peat, humus, bark and compost in bulk and the subsequent load out of bark, soil and related organic matter into customer vehicles. This classification includes custom mixing soils, incidental sales of landscaping rock, sand, gravel, and crushed rock, and delivery when performed by employees of an employer subject to this classification.

This classification excludes contract delivery by non-dealer employees who are to be reported separately in classification 1102, and digging of soils/humus/peat/gravel or grinding of bark which are to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53801 Classification 1104.

((Automobile or truck wrecking or dismantling
This classification includes over the counter sales of new or used parts and tow truck operations.))

1104-00 Auto or truck wrecking or dismantling

Applies to establishments engaged in salvaging, dismantling and parting out motorized vehicles, motorcycles, and aircraft. Parts may be removed and inventoried or removed when there is a special request for them. Afterwards, hulls are stripped and may be crushed. Operations contemplated by this classification includes removal of salable parts with the use of hand tools and discarding frames and bodies for future sale to scrap dealers and metal manufacturers. Any subsequent breaking up of stripped chassis and bodies with torches or shears to be sold as iron or steel scrap is also included within the scope of this classification as is the reconditioning of the yard's own autos and trucks for resale. In addition to the yard work, salvaged parts will be reconditioned or repaired and sold over the counter. New parts may also be sold. A dismantler may locate and obtain parts from another yard for a customer. Dismantlers may haul cars and trucks to the yard by tow truck, flatbed, or multi-car carrier or the owner may bring the vehicle to the yard. Tow truck operations related to the hauling of vehicles purchased by the wrecking yard for sale by the yard are included within the scope of this classification.

This classification excludes establishments engaged in tow truck services to the public which are to be reported separately in classification 1109, and establishments engaged in salvaging, collecting, sorting and reducing scrap metal which are to be reported separately in classification 0604.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-53802 Classification 1105.

((Portable chemical toilet service

Septic tank pumping services—installation and repair of septic systems are to be reported separately in classification 0108

Street or parking lot sweeping services

Vacuum truck services such as but not limited to recovery of waste oil, cleaning solvents and antifreeze

This classification includes the related disposal of waste products which are recovered by establishments subject to this classification; and maintenance of vehicles and equipment unless another classification treatment is provided for by the rules in this manual.))

1105-00 Septic tank pumping

Applies to establishments engaged in septic tank pumping services for others. In addition to driving duties, the drivers connect the pumping hose to the top of the septic tank and start the motor/pump to remove waste from the septic tank or cesspool. This classification includes the related disposal of waste products which are recovered by establishments subject to this classification.

This classification excludes installation and repair of septic tanks or systems which are to be reported separately in classification 0108, and cleaning of septic systems which is to be reported separately in classification 0504.

1105-01 Street sweeping; parking lot sweeping; and portable chemical toilet servicing

Applies to establishments that perform street sweeping and parking lot sweeping services for others. Trucks used for sweeping are equipped with rotating or nonrotating brushes and vacuum/suction devices. In addition to driving duties, the drivers may adjust/unclog the brushes, and clean the holding tanks contained on the sweeping or pumping vehicle. This classification also includes snow removal by plowing, delivery of portable toilets and the related servicing and disposal of waste products which are recovered by establishments subject to this classification.

1105-02 Vacuum truck services

Applies to establishments engaged in vacuum truck services for others. Services include, but are not limited to, cleaning of duct work, picking up waste oils, lubricants, antifreeze, bilge water, and similar waste products. Establishments subject to this classification may offer a regular service, one-time or occasional pick-up service. The driver has kits for testing the materials and, if there is a question, a sample is taken to a laboratory for further analysis. If the waste material is acceptable, it is pumped into the tanker truck. The waste material may be consolidated with similar products and "bulked" in storage tanks, then taken to appropriate treatment or disposal facilities, or it may be taken directly to appropriate facilities. If it is to be "bulked" with other products, it will be filtered as it is pumped into the storage tanks and allowed to sit for a few days for any water to settle to the bottom of the tank and be drained off. Bulked materials may be hauled away by the establishment's own trucks or by common carrier. Establishments subject to this classification may pick up containers of used oil filters and bring them into their plant where they are sorted into crushed and uncrushed filters, and gaskets removed. This activity is included within the scope of this classification if it is an incidental service. This classification includes the related disposal of waste products which are recovered by establishments subject to this classification.

This classification excludes septic tank pumping which is to be reported separately in classification 1105-00.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53803 Classification 1106.

((Rental stores N.O.C.

~~This classification includes clerical office and sales personnel.)~~

1106-00 Rental stores, N.O.C.: Truck canopy sales

Applies to establishments engaged in the rental of items, not covered by another classification (N.O.C.), such as hand tools, air compressors, automotive tools, baby equipment, convalescent equipment, exercise equipment, floor care equipment, pressure washers, party and banquet equipment, light construction tools or equipment such as saws, drills, and sanders, and lawn and garden equipment, as opposed to machinery or larger commercial or industrial equipment. The tools and equipment are generally rented to homeowners for use on their property. Rental stores within this classification rent a variety of tools and equipment unlike specialty rental stores that specialize in one type of product. This classification includes clerical office personnel, sales personnel, as well as the maintenance and repair of rented goods when performed by employees of the rental store. This classification also applies to establishments engaged exclusively in the sale and related installation of truck canopies.

This classification excludes establishments engaged in the rental of commercial or industrial equipment and/or machinery such as, but not limited to, bulldozers, tractors, and backhoes which are to be reported separately in classification 6409; establishments engaged in the rental of farm machinery equipment which are to be reported separately in classification 6408; establishments engaged in the rental of vehicles which are to be reported separately in the applicable classification; establishments engaged in the rental of sporting goods which are to be reported separately in classification 6309; establishments engaged in the rental of clothing or costumes which are to be reported separately in classification 6305; and establishments engaged in the rental of furniture which are to be reported separately in classification 6306.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-53805 Classification 1108.

~~((Auto-glass merchants~~

~~Glass merchants—including bending, grinding, beveling, sil-
vering or tempering of plate or sheet glass~~

~~Glass frosting, etching, beveling including cutting~~

~~This classification excludes the installation of glass, mirrors,
aluminum or wood window sashes or similar products
away from the shop which are to be reported separately
in classification 0511.)~~

1108-02 Glass tempering

Applies to establishments engaged in glass tempering services for others. Operations contemplated by this classification include glass cutting, bending, grinding, beveling, and silvering. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles and tempering ovens. The process of glass tempering consists of taking auto or sheet glass which has been purchased from a glass manufacturer or distributor and placing it in a tempering oven. The oven heat realigns the molecular structure of

the glass creating added strength, however, the appearance of the glass remains unchanged. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; establishments engaged in the manufacture of glass which is to be reported separately in classification 3503; merchants who specialize in selling or installing auto glass which is to be reported separately in classification 1108-04; glass merchants engaged exclusively in flat glass sales which are to be reported separately in classification 1108-03; and combined auto/flat glass merchants with no tempering which are to be reported separately in classification 1108-05.

1108-03 Flat glass merchants - no tempering

Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglas. Glass products include, but are not limited to, window glass, plate glass, safety glass for automobiles, and mirrors. Work contemplated by this classification includes cutting of glass to customers specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass, and the installation of glass into frames within the shop or adjacent yard. Some dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Most glass dealers will cut glass to order. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, putty, caulking, cleaning solvents, forklifts, packing materials, delivery and service vehicles. This classification includes the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, mirrors, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; and merchants who specialize in selling or installing auto glass which are to be reported separately in classification 1108-04.

1108-04 Auto glass merchants

Applies to establishments engaged in selling and installing automobile glass in vehicles. In addition to selling and installing new or replacement auto glass, merchants typically repair auto windshield cracks, scratches, bullseyes and breaks. Tools and equipment include metal and wood cutting tools, grinders, sanders, drills, saws, knives, windshield sticks, suction cups, putty, caulking, cleaning solvents, delivery and service vehicles. Solar tinting of auto glass with film to reduce heat and glare may also be performed, as well as selling and installing sun roofs. Auto glass merchants may offer 24-hour emergency service or pickup and delivery. Installation of auto glass, truck glass or boat tops performed

in or away from the shop is included within the scope of this classification.

This classification excludes establishments engaged in the manufacturing of glass which are to be reported separately in classification 3503; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; glass merchants exclusively dealing in flat glass which are to be reported in classification 1108-03; and combined auto/flat glass merchants with no tempering which are to be reported in classification 1108-05.

1108-05 Combined auto and flat glass merchants - no tempering

Applies to establishments engaged in receiving, storing and selling all types of fabricated glass and plexiglas as window glass, plate glass, safety glass for automobiles, mirrors and other types of glass at a permanent shop location or adjacent yard. Work contemplated by this classification includes cutting of glass to customers' specified dimensions, beveling, buffing, grinding, polishing, silvering of plate glass and the installation of glass into frames. Tools and equipment include metal and wood cutting tools and machinery, grinders, sanders, drills, saws, knives, suction cups, windshield sticks, putty, caulking, cleaning solvents, forklifts, packing materials, and delivery and service vehicles. A glass merchant performing the installation of glass in automobiles is also included within the scope of this classification; as are related services such as, but not limited to, repair of auto windshield cracks, scratches, bullseyes and breaks; in vehicle tinting of auto glass to reduce heat and glare; and installing sun roofs. Other dealers may specialize in cutting, selling or installing fabricated flat glass or they may also sell and install plate, laminated, window, cathedral, stained, bullet proof, opalescent flat, picture, skylight and tempered glass. Included within the scope of this classification is the sale of accessories for flat glass such as sealants, screening, aluminum frames for storm windows and doors, mirror backings, frames and glass cleaners.

This classification excludes establishments engaged in the installation of glass, aluminum or wood window sashes or similar products away from the shop which are to be reported separately in classification 0511; manufacturing of glass which is to be reported separately in classification 3503; glass merchants who perform glass tempering which are to be reported separately in classification 1108-02; and flat glass merchants who do not sell or install auto glass which are to be reported separately in classification 1108-03.

1108-06 Glass frosting, etching, beveling or grinding

Applies to establishments engaged in shaping and finishing solid glass by cutting, frosting, etching, beveling, grinding, sandblasting, carving, glue chipping, decorating or grooving. Custom items manufactured in this classification include, but are not limited to, video game tops, glass signs, glass used in the assembly of electrical appliances such as microwave ovens, electronically controlled cabinets and display panels, and mirrors of all sizes. Machinery includes diamond or glass cutting saws, diamond or glass grinding wheels and discs, drills, polishing laps, etching tools and other hand tools. In the manufacture of mirrors, metallic

solutions (usually silver), shellacs or varnishes, paints, and plate glass are received from outside sources. The glass is cut to size, ground, smoothed, and the edges may be beveled. Hole drilling, chemical etching, drying, buffing and polishing may be performed. Reflective surfaces are generally produced by pouring or spraying metallic solutions over prepared glass. Heavier coats are obtained by successive applications of the plating solution. After applying the plating solution, the mirrors are sprayed or hand brushed with shellac or varnish, then with paint. Frames, handles or similar finishings may be attached. Production manufacturing of insulated glass by sealing together two or more sheets of glass with an air space between them is also included when performed by employees of an employer subject to this classification.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; glass merchants who do incidental grinding, beveling, silvering and cutting of glass who are to be reported separately in the classification applicable to the type of glass they specialize in; establishments manufacturing optical goods or telescopes, or perform precision grinding of blank or rough lenses which are to be reported separately in classification 6604; and establishments engaged in manufacturing stained or leaded glassware, or in melting or blowing glass which are to be reported separately in classification 3503.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-53806 Classification 1109.

((Automobile or truck towing companies
Automobile or truck towing, N.O.C.))

1109-00 Automobile or truck towing services, N.O.C.

Applies to establishments engaged in providing towing services to others which are not covered by another classification (N.O.C.). Operations contemplated by this classification are limited to tow truck drivers and their assistants who are engaged in towing services for hire. For purposes of this classification "towing services for hire" means, but is not limited to, the towing of disabled vehicles to a shop (that is unrelated to the towing service) for repair; the recovery of repossessed vehicles for others by tow truck; roadside assistance during snow, ice or flooding to recover or free stuck vehicles; and the towing in of disabled vehicles to a secured yard for insurance or law enforcement agencies. It is common for towing companies to also operate a vehicle repair garage or service center in conjunction with the towing service. Auto service centers and repair garages, auto body shops and wrecking yard operations are to be reported separately in the applicable service or repair classification provided that the conditions of the general reporting rules covering the operation of a secondary business and the division of worker hours have been met. Tow truck dispatchers who have no other duties may be reported separately in classification 4904 provided that the conditions of the standard exception general reporting rules have been met.

Special note: Towing is common to many classifications. Employers offering towing services should be con-

tacted to verify whether the towing service they provide is only in connection with their auto repair, auto body or wrecking yard (towing service not for hire), or provided as a general service unrelated to their repair garage (towing services for hire). Only towing services for hire are to be assigned to classification 1109. If a business provides both towing services for hire and not for hire, worker hours for drivers and their assistants maybe divided between this classification and the applicable repair garage classification provided that the conditions of the general reporting rule covering the division of worker hours has been met. Otherwise, all driver and assistant hours are to be assigned to the highest rated classification applicable to the business.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-539 Classification 1301.

((Bridge tenders, electrically-operated bridges, vehicular tunnels-operation

Electric light and power cooperatives

Electric light and power plants, cities, towns and counties

Electric light and power public utility districts

Electric systems, N.O.C.

Steam heat and power plants

This classification includes extension of lines and meter readers when done by employees of employers having operations subject to this classification

This classification excludes contractors engaged in underground line construction, maintenance or repair which are to be reported separately in classification 0107; contractors engaged in overhead line construction, maintenance or repair which are to be reported separately in classification 0509; and contractors engaged in wiring within buildings which are to be reported separately in classification 0601.))

1301-00 Electric light and power plants operated by cities, towns, or counties

Applies to establishments, operated by a city, town, or county, engaged in generating and distributing electricity to their residents. These may be hydroelectric, fossil fuel steam or turbo-generator plants. This classification includes the regular installation, maintenance and repair of power plant machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), the installation and maintenance of circuit breakers and transformers on poles, pole-to-house hook-ups (service connections), meter installation and meter readers when done by employees of an employer having operations subject to this classification. Machinery and equipment may include, but not be limited to, boilers, turbines, generators, cables, transformers, switchgears, circuit breakers, control panels, substations, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, meters and hand tools.

This classification excludes contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole and tower construction, main-

tenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0601; contractors engaged in the installation of machinery or equipment who are to be reported separately in classification 0601 or 0603 as applicable; and the construction of any buildings which is to be reported separately in the applicable construction classification.

1301-01 Electric light and power cooperatives

Applies to establishments, in the form of cooperatives, engaged in generating and distributing electricity to their customers. A cooperative is formed by, and owned jointly by, those who make use of the service being provided. The power may be generated by a hydroelectric, fossil fuel steam or turbo-generator plant. This classification is appropriate whether a cooperative owns a power plant or is distributing power purchased from another utility company. Work contemplated by this classification includes the regular installation, maintenance and repair of power plant machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), the installation and maintenance of circuit breakers and transformers on poles, pole-to-house hook-ups (service connections), meter installation and meter readers when done by employees of an employer having operations subject to this classification. Machinery and equipment may include, but not be limited to, boilers, turbines, generators, cables, transformers, switchgears, circuit breakers, control panels, substations, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, meters and hand tools.

This classification excludes contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0601; contractors engaged in the installation of machinery or equipment who are to be reported separately in classification 0601 or 0603 as applicable; and the construction of any buildings which is to be reported separately in the applicable construction classification.

1301-02 Electric light and power plants operated by public utility districts

Applies to establishments, in the form of a public utility district (P.U.D.), engaged in generating and distributing electric power to a part of a county. This classification applies whether a P.U.D. owns a power plant or is distributing power purchased from another utility. Work contemplated by this classification includes the regular installation, maintenance and repair of power plant machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), the installation and maintenance of circuit breakers and transformers on poles, pole-to-house hook-ups (service connections), meter installation and meter readers when done by employees of an employer having operations subject to this classification. Machinery and equipment may include, but not be limited to, boilers, tur-

bines, generators, cables, transformers, switchgears, circuit breakers, control panels, substations, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, meters and hand tools.

This classification excludes contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0601; contractors engaged in the installation of machinery or equipment who are to be reported separately in classification 0601 or 0603 as applicable; and the construction of any buildings which is to be reported separately in the applicable construction classification.

1301-05 Steam heat power plants

Applies to establishments engaged in the operation of a steam heat power plant. These businesses use coal, oil, natural gases or electric power to produce steam which is distributed through a network of under or overground pipes to customers (the plant must be very near the purchaser). The initial process of producing the steam is the same as the process used in a steam powered electric generating plant, but the steam is channeled out to the purchaser instead of being used to turn turbines. The purchasers use the steam for heating buildings, operating saunas, as a heat source for cooking or processing in food processing plants, breweries or restaurants, producing the heat needed for wood drying kilns, or to convert back to hot water. Work contemplated by this classification includes, but is not limited to, the regular installation, maintenance or repair of plant machinery and equipment, the extension and maintenance of over or underground pipes, main-to-user hook-ups, meter installation and meter readers.

This classification excludes contractors engaged in over or underground pipeline construction, maintenance or repair, main-to-house line extensions and hook-ups, who are to be reported separately in classification 0107; contractors engaged in the installation or contract maintenance of machinery or equipment who are to be reported separately in classification 0603; and the construction of any buildings which is to be reported separately in the applicable construction classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-540 Classification 1303.

~~((Telegraph companies, all other employees, operation and maintenance, extension of lines~~

~~Telephone companies, all other employees, operation and maintenance, extension of lines~~

~~This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification~~

~~This classification excludes contractors engaged in underground line construction, maintenance or repair which are to be reported separately in classification 0107; contractors engaged in overhead line construction, mainte-~~

~~nance or repair which are to be reported separately in classification 0509; and contractors engaged in wiring within buildings which are to be reported separately in classification 0608.))~~

1303-00 Telephone companies - all other employees

Applies to establishments engaged in providing telecommunications services which enable subscribers to converse or transmit coded data. Work contemplated by this classification includes, but is not limited to, the regular installation, maintenance and repair of machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), clearing right of ways, installing telephones and wiring in buildings, and making service connections when done by employees of an employer having operations subject to this classification. Machinery and equipment includes, but is not limited to, central control and switching center equipment, relays, computers, antennae, cranes, forklifts, vehicles and garages, warehouse equipment, and hand tools.

This classification excludes clerical office, exchange operators and administrative personnel who are to be reported separately in classification 1304; contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole, and tower construction, maintenance or repair, who are to be reported separately in classification 0509; contractors engaged in wiring within buildings and making pole-to-house hook-ups who are to be reported separately in classification 0608; contractors engaged in the installation or contract maintenance of machinery or equipment who are to be reported separately in classification 0603; and establishments primarily engaged in selling telephone equipment retail which are to be reported separately in classification 6406.

1303-01 Telegraph companies - all other employees

Applies to establishments engaged in providing telecommunication services which enable printed messages (telegrams) to be transmitted from one agent to another for receipt by, or delivery to, a designated party. Telegraph companies also provide a "moneygram" service which allows an agent to receive a sum of money at one location and transmit a message to another agent to pay out the same amount of money to a designated party at another location. Work contemplated by this classification includes the regular installation, maintenance and repair of machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), installing transmission and receiving equipment, the clearing of right of ways, and delivery work when done by employees of an employer having operations subject to this classification. Machinery and equipment includes, but is not limited to, cables, control panels, poles, lines, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, and hand tools.

This classification excludes clerical office and administrative personnel who are to be reported separately in classification 1304; contractors engaged in underground line construction maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line, pole, and tower construction, maintenance or repair,

who are to be reported separately in classification 0509; contractors engaged in wiring within buildings who are to be reported separately in classification 0608; and contractors engaged in the installation or contract maintenance of machinery or equipment who are to be reported separately in classification 0603.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-541 Classification 1304.

~~((Telephone companies, exchange operators, clerical office and sales personnel~~

~~Telegraph companies, clerical office and sales personnel.))~~

1304-00 Telephone companies - exchange operators, clerical office and sales personnel

Applies to the administrative and clerical office personnel of establishments engaged in providing telecommunication services which enable two or more parties to converse or transmit coded data. For purposes of this classification, administrative personnel includes clerical office, sales, data processing, exchange operators, customer service, marketing, and retail telephone store (when operated by the telephone company) sales personnel.

This classification excludes all other telephone company employees who are to be reported separately in classification 1303.

1304-01 Telegraph companies - clerical office and sales personnel

Applies to administrative and clerical office personnel of establishments engaged in providing telecommunication services which enable printed messages (telegrams) or moneygrams to be transmitted from one agent to another for receipt by a designated party. For purposes of this classification, administrative personnel includes clerical office, sales, data processing, customer service, marketing, cashiers and operators of telegraph, teletype or other transmitting and receiving equipment.

This classification excludes all other telegraph company employees who are to be reported separately in classification 1303.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-54101 Classification 1305.

~~((Television cable companies, operation and maintenance, extension of lines all outside employments~~

~~This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification~~

~~This classification excludes contractors engaged in underground line construction, maintenance or repair which are to be reported separately in classification 0107; contractors engaged in overhead line construction, maintenance or repair which are to be reported separately in classification 0509; and contractors engaged in wiring within buildings and telecable hookups within buildings~~

~~which are to be reported separately in classification 0601.))~~

1305-00 Television cable companies - all other employees

Applies to establishments engaged in providing point-to-point subscription cable communications services. This classification is restricted to companies that provide the total spectrum of cable services for a fee or rental charge. These companies will normally operate and maintain antenna and control centers where they receive signals from broadcasting stations and transmit them through a cable system to local customers. This classification also includes homeowner associations and co-ops that operate a central system for residential users. Work contemplated by this classification includes, but is not limited to, the regular installation, maintenance and repair of machinery and equipment, the extension and maintenance of lines (including poles, towers and underground lines), installation of antennae, the clearing of right of ways, erections of poles, crossarms and insulators, and subscriber service connections when done by employees of an employer having operations subject to this classification. Machinery and equipment includes, but is not limited to, cables, transformers, control panels, poles, lines, antennae, relays, computers, cranes, forklifts, vehicles and garages, warehouse equipment, and hand tools.

This classification excludes contractors engaged in underground line construction, maintenance or repair who are to be reported separately in classification 0107; contractors engaged in overhead line installation who are to be reported separately in classification 0509; contractors engaged in pole and tower construction, maintenance or repair who are to be reported separately in classification 0508; contractors engaged in wiring within buildings and making pole-to-house service connections who are to be reported separately in classification 0601; and clerical office employees of television cable companies who are to be reported separately in classification 4502.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-542 Classification 1401.

~~((Taxicab companies.))~~

1401-01 Taxicab companies

Applies to establishments engaged in furnishing passenger transportation to others. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, assisting passengers in and out of the vehicle, and maintenance/repair of the vehicle when performed by employees of an employer subject to this classification. Businesses that operate cabulance, pedicab, and horse-drawn carriage services are included in this classification.

This classification excludes establishments that operate ambulance services which are to be reported separately in classification 1405, and dispatchers with no other job duties who may be reported separately in classification 4904.

Special note: Establishments that furnish only a dispatch service for taxicab drivers who own or lease their own vehicles may be reported separately in classification 4904

provided all the conditions of the general reporting rules covering standard exception employees have been met. Employees of a taxicab dispatch service who perform maintenance/repair are to be reported separately in classification 3411. See RCW 51.08.180 for the definition of "worker" to aid in determining if drivers are employees.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-544 Classification 1404.

~~((Bus companies, transit systems, contract bus driving Equipment escort and pilot car service~~

~~Vessels, ferries, tugs and steamboats operation, N.O.C. including dock employees—excluding maritime.))~~

1404-04 Bus companies and transit systems

Applies to bus companies, transit systems, contract bus driving, and other establishments engaged in public transportation services such as, but not limited to, scenic bus tour services, contract school bus services, shuttle van services, and public transit systems. Work contemplated by this classification includes driving and related loading/unloading duties, inspecting and maintaining vehicles, and all terminal employment except for office personnel. Ticket sellers may be reported separately in classification 4904 provided that they do not handle baggage and that all the conditions of the standard exception general reporting rules have been met.

This classification excludes limousine companies which are to be reported separately in classification 6301.

1404-06 Vessels, ferries, tugs, and steamboats, N.O.C.

Applies to employees not covered under federal jurisdiction, or another classification (N.O.C.), who provide services for seaworthy vessels such as ferries, tugs, or steamboats at the docking site or on adjacent land. Vessels may operate seasonal or year-round. Employments include, but are not limited to, dock workers, maintenance workers, traffic control personnel, and night security personnel.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

1404-07 Train rides

Applies to establishments engaged in the operation of passenger excursion train rides for scenic or amusement purposes on an intrastate basis only. Excursion train rides are typically operated from a mountain, lake or similar site. The trains may operate on a seasonal basis in direct relation to the volume of tourists, weather conditions, or dates of local celebration. Employments in this classification include, but are not limited to, drivers/engineers, guides, lecturers, hostesses, maintenance personnel and on-board food service. Ticket sellers can be reported separately in classification 4904 provided that they do not handle baggage and that the conditions of the standard exception general reporting rules have been met.

1404-11 Escort and pilot cars

Applies to establishments that provide escort or pilot car services for others. The duties include driving ahead of, or behind, various types of vehicles.

This classification excludes employees of an employer assigned to drive escort or pilot cars in connection with the delivery of equipment, buildings, goods, or similar items which the employer sells or contracts to deliver. Such employment is to be reported separately in the classification applicable to sales or delivery of such items. For example, an escort driver employed by a common carrier transporting a modular home to a customer's site is to be reported separately in classification 1102.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-54401 Classification 1405.

~~((Ambulance services including mobile medic and patient transport services.))~~

1405-00 Ambulance services

Applies to establishments engaged in prehospital emergency care and transportation of ill or injured persons to or from medical facilities. The services provided by any one ambulance company will vary to some degree, however, normal operations for ambulance companies include, but are not limited to, the following: Prehospital care, responding to calls where the injury or accident does not require medical treatment other than that provided by Emergency Medical Technicians (para-medics) who work for the ambulance company, standby at events, assisting in providing prehospital care and patient transport services of injured players or spectators at games, concerts, and fairs, public education/training, teaching CPR, first aid, and related courses to the public, and ambulance service (transporting patients who do not require prehospital care to and from medical facilities).

Special notes: Special care must be taken in classifying ambulance services which are included in classification 1401. In order to qualify for classification 1405, a company must be primarily in business as an ambulance company. For premium reporting purposes, ambulance companies are to report all employees on an hourly basis, provided the maximum will not exceed eight hours during any twenty-four hour period. If verifiable records disclosing actual time worked are unavailable, employees are to be reported at eight hours per day for each day they had duties. If records do not disclose hours or days worked by individual employees, an assessment of forty hours per week is to be made for each week in which an employee had duties, or one hundred and sixty hours per month. For air ambulance services, flight time is to be reported separately in classification 6803, and ground operations are to be reported separately in classification 1405.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-545 Classification 1501.

~~((Counties and taxing districts, N.O.C., all other employees~~

~~Housing authorities, local public, all other employees including meter readers~~

~~Indian tribal councils, all other employees~~

~~This classification excludes public utility districts subject to classification 1301 and 1507; bus or transit services subject to classification 1404; port districts subject to classification 4201; library districts, museum districts and school districts subject to classifications 6103 and 6104; hospital districts subject to classification 6105; fire fighters subject to classification 6904; and law enforcement officers subject to classification 6905-~~

~~This classification also excludes clerical office and white collar employees-))~~

1501-00 Counties and taxing districts, N.O.C. - all other employees

Applies to employees of counties and taxing districts, not covered by another classification (N.O.C.), who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes administrative personnel such as engineers, safety inspectors, and biologists, who have field exposure, and also includes store and stock clerks. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to or from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; bus or transit systems which are to be reported separately in classification 1404; water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; fire fighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905; clerical office and administrative employees who are to be reported separately in classification 5306, and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-01 Housing authorities, N.O.C. - all other employees

Applies to employees of housing authorities, not covered by another classification, who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes all functional operations of a housing authority such as inspection, maintenance and repairs, including minor structural repairs, janitorial service, and building and grounds maintenance. Also included in this classification are meter readers, security personnel, other than those with law enforcement powers, administrative personnel such as engineers and safety inspectors who have field exposure, and store and stock clerks. For purposes of this classification, housing authorities are defined as nonprofit, public and political entities which serve the needs of a specific city, county or Indian tribe. The nature and objectives of

some of the projects undertaken by housing authorities include providing decent, safe and sanitary living accommodations for low income persons, or providing group homes or halfway houses to serve developmentally or otherwise disabled persons or juveniles released from correctional facilities. A housing authority has the power to prepare, carry out, lease and operate housing facilities; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project; to sell or rent dwellings forming part of the project to or for persons of low income; to acquire, lease, rent or sell or otherwise dispose of any commercial space located in buildings or structures containing a housing project; to arrange or contract for the furnishing of the units; and to investigate into the means and methods of improving such conditions where there is a shortage of suitable, safe and sanitary dwelling accommodations for persons of low income.

This classification excludes new construction or major alteration activities which are to be reported separately in the appropriate construction classifications; clerical office and administrative employees who are to be reported separately in classification 5306; security personnel with law enforcement powers who are to be reported separately in classification 6905; and volunteers who are to be reported separately in classifications 6901 or 6906, as appropriate.

1501-08 Native American tribal councils - all other employees

Applies to employees of Native American tribal councils who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, and machinery or equipment operators. This classification includes administrative personnel such as engineers, safety inspectors, and biologists, who have field exposure, and also includes store and stock clerks. For purposes of this classification, field exposure is defined as any exposure other than the normal travel to and from a work assignment.

This classification excludes electric light and power public utility districts which are to be reported separately in classification 1301; bus or transit systems which are to be reported separately in classification 1404; water distribution or purification system public utility districts which are to be reported separately in classification 1507; irrigation system public utility districts which are to be reported separately in classification 1507; school districts, library districts or museum districts which are to be reported separately in classifications 6103 or 6104; hospital districts which are to be reported separately in classification 6105; fire fighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classifications 6905 and 6906; new construction or reconstruction activities which are to be reported separately in the appropriate construction classification; clerical office and administrative employees who are to be reported separately in classification 5306.

Special notes: Housing authorities operating under the name of, and for the benefit of, a particular tribe are not exempt from mandatory coverage. These housing authorities are federally funded and are not owned or controlled by a tribe.

Only those tribal operations which are also provided by county governments are subject to classification 1501. The following activities, such as but not limited to, visiting nurses and home health care, grounds keepers, building maintenance, park maintenance, road maintenance, and garbage and sewer works, are considered to be normal operations to be included in this classification. All other tribal council operations which are not normally performed by a county government shall be assigned the appropriate classification for the activities being performed. The following operations, such as but not limited to, meals on wheels, bingo parlors, casinos, liquor stores, tobacco stores, grocery stores, food banks, gift shops, restaurants, motels/hotels, Head Start programs, fish/shellfish hatcheries, logging, and tree planting/reforestation are outside the scope of classification 1501 and are to be reported separately in the applicable classifications.

1501-09 Military base maintenance, N.O.C.

Applies to establishments, not covered by another classification (N.O.C.), engaged in providing all support operations and services on a military base on a contract basis. Such services include, but are not limited to, data processing, photography, mail delivery (on post and to other military facilities), hotel/motel services, mess halls, recreational facilities, grounds and building maintenance, vehicle maintenance, and may also include the maintenance of such facilities as water works, sewer treatment plants and roads.

This classification excludes new construction or construction repair projects which are to be reported separately in the applicable construction classification for the work being performed; contracts for specific activities on a military base such as, but not limited to, building maintenance, club or mess hall operations, or vehicle maintenance, which are to be reported separately in the applicable classification for the work being performed; firefighters who are to be reported separately in classification 6904; law enforcement officers who are to be reported separately in classification 6905; and clerical office and administrative employees who are to be reported separately in classification 5306.

Special note: Classification 1501-09 is to be assigned to an establishment only when *all* support services on a military base are being provided by the contractor.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-546 Classification 1507.

~~((Irrigation ditches, operation, repair and maintenance when done by employees of firms subject to this classification
Waterworks including extension of lines and meter readers when done by employees of employers having operations subject to this classification~~

~~This classification excludes contractors engaged in waterline construction, maintenance or repair which are to be reported separately in classification 0107; and contractors engaged in ditch or canal construction, maintenance or repair which are to be reported separately in either classifications 0108 or 0201 as applicable.))~~

1507-01 Irrigation ditches operation, repair and maintenance

Applies to establishments engaged in providing water for agricultural irrigation through a network of ditches, canals and/or pipelines. Irrigation system operations may be owned by individuals, a private company, cooperatives or a municipality. Water for irrigation can come from a natural above or below ground source or a reservoir and is kept flowing by means of pumping plants. Irrigation water usage is monitored at the "turn-out" which must be manually opened by an employee of the irrigation company and is located between the ditch/pipeline and the user's field. Work contemplated by this classification includes, but is not limited to, digging and maintaining ditches or canals, installing underground pipe, installation or maintenance of control gates and pumps, cleaning of ditches, spraying to control insects, and regular maintenance of vehicles and equipment when done by employees of an employer having operations subject to this classification. Machinery and equipment includes, but is not limited to, water pumps, ditch digging/pipe laying equipment, control gates, pumps, vehicles, spraying equipment and hand tools. This classification includes the operation of drainage systems by a private company or a municipal special purpose district.

This classification excludes contractors engaged in the digging of ditches or canals who are to be reported separately in classification 0108 or 0201 as applicable; underground pipe laying which is to be reported separately in classification 0107; the installation of agricultural sprinkler systems which is to be reported separately in classification 0301; the installation or repair of irrigation/drainage pumps which is to be reported separately in classification 0306; the routine irrigation of individual agricultural acreage with the owner's own system which is to be reported separately in the classification applicable to the establishment; the construction of any new buildings which is to be reported separately in the construction classification applicable to the work being performed; and clerical office and administrative personnel who are to be reported separately as appropriate, classification 5305 for cities and towns, classification 5306 for counties, or classifications 4904 and 6303 for nonmunicipal ownership.

Special note: Many water supply operations in Washington may have "irrigation district" as part of their name because of their original purpose, but they are actually functioning as a waterworks supplying residential users and are to be reported separately in classification 1507-02.

1507-02 Waterworks operations, repair and maintenance

Applies to establishments engaged in the operation of water purification and distribution systems known as waterworks. Water is obtained from natural sources of surface or ground water, piped to filtration plants, filtered, treated with chemicals, then pumped to holding facilities for eventual distribution to the user through underground pipes. Waterworks may be owned by cooperatives, such as homeowners' associations, a private company, or a municipality (as a P.U.D.). Work contemplated by this classification includes, but is not limited to, erection of towers and tanks, underground waterline construction, maintenance of purification and filtration facilities, installation of fire hydrants, operating a laboratory, main-to-house hook-ups and the installation and reading of meters when done by employees of an employer having oper-

ations subject to this classification. Machinery and equipment includes, but is not limited to, excavating, pipe laying, erecting and welding equipment, vehicles, machine shop equipment, pumps and gauges, meters and hand tools. This classification includes the operation of sewerage treatment plants by owner or contract.

This classification excludes contractors engaged in underground waterline construction, maintenance or repair, including main-to-house hook-ups, who are to be reported separately in classification 0107; plumbing contractors engaged in waterline main-to-house hook-ups as part of an all-inclusive plumbing installation contract which is to be reported separately in classification 0306; the erection of water towers and tanks by a contractor which is to be reported separately in classification 0508; contractors engaged in industrial plant maintenance who are to be reported separately in classification 0603; the construction of dams which is to be reported separately in classification 0701; the construction of any new buildings which is to be reported separately in the construction classification applicable to the work being performed; and clerical office and administrative personnel who are to be reported separately as appropriate.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-548 Classification 1701.

((Ore reduction, by wet or dry process without application of heat at mine.))

1701-02 Ore reduction, by wet or dry process without application of heat at mine

Applies to establishments engaged in the reduction of coarse ores by a wet or dry process at a mine site. Work contemplated by this classification involves a variety of ore milling activities. The process begins by crushing, screening and washing the ores. Next, ores are placed in a rotating cylindrical mill which contains steel balls, flint pebbles, rods or rock for further grinding. Then with the use of amalgamation (introduction of a chemical such as mercury to break down the ores) or flotation (uses water to separate by buoyancy and densities), the ore material is broken down and dried to obtain concentrated ores of metals. The milling of ores to recover some nonmetallic minerals which do not require amalgamation or flotation are also included within this classification.

This classification excludes underground mining operations which are to be reported separately in classification 1702, and open cut mining operations which are to be reported separately in classification 1703.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-549 Classification 1702.

((Coal mines, underground
Coke ovens
Mines, N.O.C., underground.))

1702-01 Coal mines and mines N.O.C., underground; coke ovens

Applies to establishments engaged in underground mining, not covered by another classification (N.O.C.), involving the extraction of coal, ores, stone, clay or other minerals. Operations contemplated by this classification include excavation and tunneling below ground as well as the incidental activities occurring above ground. Underground mining may involve shaft sinking, slope sinking, rock tunneling, and the building of drifts and shafts with heavy timbers or steel beams. Material is broken loose within the tunnel or shaft with explosives, drilling machines, rock drills, chippers, power hand drills and picks. After the material is broken loose it is removed from underground by way of hoist, conveyor, or some type of haulage car on steel track. On the surface, some of the extracted material is further refined such as coal which is crushed, screened, washed and graded before being hauled away. Additional equipment includes elevators, ventilation and communication systems, water pipes, lighting systems, as well as front end loaders, bulldozers and trucks. This classification also applies to establishments engaged in the manufacture of coke which is a solid carbonaceous residue obtained from bituminous coal after the removal of volatile materials by a distillation process. The method usually consists of a beehive or by-product oven process. Coal is fed into crushers which breaks oversized pieces into smaller pieces which are then conveyed to bunkers serving the ovens. This classification also applies to ore reduction involving heat processes.

This classification excludes ore reduction operations which do not require the use of heat which are to be reported separately in classification 1701, and open cut mining which is to be reported separately in classification 1703.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-550 Classification 1703.

((Open cut mining, all types
Placer or hydraulic mining.))

1703-01 Open cut mining - all types; placer or hydraulic mining

Applies to establishments engaged in open cut mining to extract all types of ore including certain minerals such as, but not limited to, phosphate rock, graphite, talc, chalk, mica, asphalt, asbestos and gypsum. The process of open cut mining is also commonly referred to as surface mining, open pit mining or strip mining whereby such ores and minerals are extracted from a large hole or pit on the surface. Operations contemplated by this classification involve excavating and stripping the surface material with use of drag lines, power shovels or earth moving equipment. The products are loaded onto dump trucks or belt conveyors for movement to railroad sidings and loading into ore cars for shipment to processing plants. The equipment generally involves compressors, pneumatic drilling rigs, conveyors, trucks, drag lines, shovels, scrapers and bulldozers. This classification also applies to establishments engaged in hydraulic mining in which material is excavated by moving a stream of high pressure

water over the mining face, and placer mining which obtains minerals from placers by use of running water such as on a stream or the shoreline.

This classification excludes underground mining which is to be reported separately in classification 1702, and quarrying which is to be reported separately in classification 1704.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-551 Classification 1704.

((Quarries, N.O.C., includes stone crushing at quarry site Stone cutting, quarry hazard.))

1704-02 Quarries, N.O.C.

Applies to establishments engaged in quarrying, not covered by another classification (N.O.C.), to extract large solid stone such as, but not limited to, limestone, sandstone, granite, marble, slate, hard shale rock, ballast rock, cement rock, coral rock, etc., from hillsides or open pits. Operations contemplated by this classification involve exposing stone with use of drag lines, power shovels, scrapers or other earth moving equipment. In some instances, blasting with explosives is performed on large stone masses to break portions loose. The stone is separated into large blocks, sometimes called loafs. There are several methods to cut a loaf - line drilling, wire sawing, diamond wire sawing or chiseling. The loafs are removed from the quarry pit and taken to the surface. This classification includes all other activities occurring on the surface of the quarry site which could involve the further cutting of the loafs or the crushing of stone into smaller pieces.

This classification excludes open pit mining operations which are to be reported separately in classification 1703, and underground mining which is to be reported separately in classification 1702.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-552 Classification 1801.

((Blast furnace operation

Lead manufacturing—red or white

Lead works—sheet, tinfoil manufacturing

Recovering, refining, or reprocessing metals

Rolling mills steel or iron, rolling mills, N.O.C.

Smelting, sintering or refining lead, manufacturing calcium carbide

Smelting, sintering or refining ores, N.O.C.))

1801-01 Lead smelting, sintering, or refining; calcium carbide manufacturing

Applies to establishments primarily engaged in the smelting, sintering, or refining of lead, including the manufacturing of calcium carbide. The lead ore most commonly mined is galena which is the sulfide of lead. The ore is mixed with other metalliferous minerals, such as sphalerite, copper pyrites and iron pyrites. The smelting process consists of fusing or separating the metallic elements. After ore has been received, the process begins by crushing, washing and screening the ore. There may be various steps of milling, concentration or amalgamation (floatation) to separate the

galena from the sphalerite and other minerals. The roasting or sintering process takes place in rotary kilns or other types of furnaces. In this way the material is sintered or converted into lumps (called sinter) which are mixed with coke and placed into a shaft furnace. The material is then desilverized which is achieved by adding metallic zinc and raising the temperature sufficiently to dissolve it. The molten metal is then cast into ingots. The ingots may go through further refining processes or may be considered a finished product. This classification also includes the manufacturing of calcium carbide which is a crystalline material produced by heating pulverized limestone or quicklime with carbon and used to generate acetylene gas, as a dehydrating agent, and in making graphite and hydrogen.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of ores not covered by another classification, (N.O.C.) which is to be reported separately in classification 1801-08; the recovering, refining or reprocessing of metals which is to be reported separately in classification 1801-09; ore reduction which is to be reported separately in classification 1701; and open pit or underground mining operations which are to be reported separately in the classification applicable to the mining being performed.

1801-03 Steel or iron rolling mills; rolling mills, N.O.C.

Applies to establishments engaged in operating iron or steel rolling mills. In a rolling mill ingots and/or slabs of steel are rolled (i.e., they are passed between rollers whereby they undergo an increase in length and a corresponding reduction in depth). The rollers used by the rolling mills vary widely in size and shape, depending on the type of rolled section(s) to be produced. Depending upon the thickness of the metal to start and the desired thickness when finished, a single piece of metal may pass through the same or a different set of rollers several times.

Rolling mills for pipes may be divided into two categories - welded pipes and seamed pipes. Welded pipes are produced from a steel strip which is bent to a tubular shape and whose edges are then joined by welding. Seamed pipes are produced from cast or rolled billets at rolling temperature. There are different processes for both kinds of manufacturing. Whatever method is used the metals are somehow heated to temperatures up to 1400 degrees Fahrenheit. The equipment may include, but is not limited to, rakes, ladle, forklifts and front loaders.

This classification excludes aluminum smelting plant operations which are to be reported separately in classification 1802, and establishments engaged in the manufacture of pipe or tube from iron or steel by drawing or bending which are to be reported separately in classification 5101.

1801-08 Ore smelting, sintering or refining, N.O.C.

Applies to establishments engaged in the smelting, sintering, or refining of ores not covered by another classification (N.O.C.). Smelting and sintering are refining processes which use different properties of heat which may or may not reduce the ore to molten form. Temperatures are usually lower than 1400 degrees Fahrenheit. Ore is received direct from the mine or in a variety of forms such as, but not limited

to, pellets, particles, molds and briquettes. After ore has been received, the process begins by crushing, washing and screening the ore. There may be various steps of milling, concentration or amalgamation (floatation) to separate the ore or already formed materials. The roasting or sintering process takes place in rotary kilns or other types of furnaces. In this way the material is sintered or converted into lumps (called sinter) which may be mixed with other materials and placed into a shaft furnace. The molten metal ore is then cast or recast into ingots. The ingots may go through further refining processes or may be considered a finished product.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of lead which is to be reported separately in classification 1801-01; the recovering, refining or reprocessing of metals which is to be reported separately in classification 1801-09; ore reduction which is to be reported separately in classification 1701; and open pit or underground mining operations which are to be reported separately in the classification applicable to the mining being performed.

1801-09 Metal recovering, refining or reprocessing

Applies to establishments engaged in the recovering, refining, or reprocessing of metals. These establishments are considered secondary processors or reprocessors to primary metal producers. The primary producer uses ore to manufacture metal, whereas, the secondary processors or reprocessors will recover, refine, or reproduce refined metals from coarse metal. Types of metal include, but are not limited to, gold, aluminum, silver, lead, and zinc. Metal comes in various forms to include cast ingots, dross, and scrap material. The scrap material and dross are recycled to extract reusable metallic elements. Other metals are reprocessed and may include adding alloys and/or other elements, or recasting the metals into different shapes and sizes. An example may include adding magnesium to zinc as part of the recycling process in which zinc oxide is produced and sold to rubber companies for manufacturing tires and other rubber products. Metals are weighed, sorted and/or sifted through a variety of screens and includes crushing as needed. Next, the materials are placed in an oven or furnace and chemicals and/or alloys are added. At this point the metal may be placed in molds and cooled by air or water. Finished products are inspected, graded, weighed, packaged and shipped. To assist in the processing function, ladles, rakes, conveyers, scales, hoist, front end loaders and forklifts may be used. This classification also includes the incidental buying and selling of scrap metal.

This classification excludes aluminum smelting operations which are to be reported separately in classification 1802; the smelting, sintering or refining of lead which is to be reported separately in classification 1801-01; the smelting, sintering or refining ores not covered by another classification N.O.C., which is to be reported separately in classification 1801-08; ore reduction which is to be reported separately in classification 1701; scrap metal dealers which are to be reported separately in classification 0604; and establishments which compact or recycle metal containers such as aluminum or tin cans which are to be reported separately in classification 2102.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-55201 Classification 1802.

~~((Aluminum smelting: Primary smelting of aluminum from alumina using an electrolytic reduction process~~

~~This classification includes the alloying and casting of sheet ingots, T-ingots, rolling ingots, notched ingots, sows, pigs, extrusion logs, extrusion billets, and other primary production shapes when performed by a primary producer subject to this classification~~

~~This classification excludes secondary processors who do not reduce aluminum from alumina, but whose principle business is casting, rolling, extruding, foiling, or recycling aluminum and aluminum alloys from molten aluminum, primary production shapes or used scrap and dross which are reported separately in classification 1801-)~~

1802-00 Aluminum smelting

Applies to establishments engaged in the primary smelting of aluminum from alumina using an electrolytic reduction process. This classification includes the alloying and casting of sheet ingots, T-ingots, rolling ingots, notched ingots, sows, pigs, extrusion logs, extrusion billets and other primary production shapes when performed by a primary producer subject to this classification. Aluminum is produced from alumina. Alumina is extracted from bauxite which is an ore found in the earth's crust. Bauxite contains approximately 50% aluminum oxide (alumina) together with iron oxide, silica, and titanium oxide. The aluminum smelting process is two-fold: first, pure aluminum oxide is produced, then the aluminum is decomposed from the oxygen by an electrolytic treatment. The process is complex, labor intensive and power intensive. The use of an electric current causes pure aluminum to go to the cathode (part of the smelting structure) and accumulates as a layer floating on the molten salt in a large vat. This aluminum has a purity of 99.99% and is removed from time to time and cast into suitable shapes from molds.

This classification excludes secondary processors who do not reduce aluminum from alumina, but whose principle business is casting, rolling, extruding, foiling or recycling aluminum alloys from molten aluminum, primary production shapes or used scrap and dross which are to be reported separately in the applicable classification; ore reduction which is to be reported separately in classification 1701; and open pit or underground mining operations which are to be reported separately in the classification applicable to the mining being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-555 Classification 2002.

~~((Freight handler services—packing, handling or shipping merchandise N.O.C.~~

~~Refrigeration car—loading, unloading or icing~~

~~This classification also includes employees engaged in repackaging of goods from damaged containers~~

This classification excludes drivers or other employees with driving duties which are to be reported separately in classification 1102 without a division of work hours:))

2002-13 Freight handler services, N.O.C.

Applies to establishments engaged in packing, handling, shipping, or repackaging merchandise or freight which is owned by others and is not covered by another classification, (N.O.C.). General cargo is usually in boxes, cartons, crates, bales, or bags. Other cargo includes, but is not limited to, lumber, logs, steel, pipe, grains, produce, machinery, and vehicles. These establishments are generally located at railroad yards, airports, or warehouses not located on piers or areas adjoining piers. This classification includes the repackaging of goods from damaged containers. Employees of freight handler services perform duties such as, but not limited to, unloading, checking in and weighing goods, sorting and repackaging goods, tiering (placing in a series of rows one above the other), and reloading goods for shipment. Employments include, but are not limited to, superintendents, checkers, tally men, and lumpers. Machinery and equipment includes, but is not limited to, pallet jacks, hand trucks, forklifts, boom trucks, mobile cranes or overhead track cranes, and hand tools. This classification also includes moving or uncrating, and assembly of modular work stations or other types of office furniture.

This classification excludes drivers and freight handling employees with driving duties who are to be reported separately in classification 1102 without a division of work hours; establishments engaged in loading, unloading, or icing refrigerator cars which are to be reported separately in classification 2002-31; and establishments engaged in warehousing operations for general merchandise which are to be reported separately in classification 2102.

Special notes: Establishments engaged as freight handlers have the hazard of the continual movement of goods, in contrast to warehousing operations in classification 2102-00 that usually store goods for long periods of time. In addition, freight handling services providers do not operate warehouses and storage facilities as a general rule. Freight handling operations performed in connection with the loading or unloading of vessels or rail lines on piers or adjoining areas may be subject to coverage under the U.S. Longshore and Harbor Workers Act. Care should be exercised prior to the assignment of this classification to determine proper jurisdiction.

2002-31 Refrigeration car - loading, unloading or icing

Applies to establishments engaged in loading, unloading, or icing refrigeration cars at railroad yards, airports, or warehouses not located on piers or in areas adjoining piers. This classification includes the repackaging of goods from damaged containers. Establishments in this classification have no equity or ownership in the merchandise being handled. They may contract with customers such as, but not limited to, grocery distributors, meat packers, or pharmaceutical suppliers to pick up and deliver frozen goods. Goods are loaded into refrigerated containers and shipped by common carrier or into refrigerated railcars. Icing the refrigeration systems by adding water, ammonia, or other additives is done to maintain the cold temperatures. Machinery and equipment

includes, but is not limited to, pallet jacks, hand trucks, forklifts, compressors, and hand tools.

This classification excludes drivers and freight handling employees with driving duties who are to be reported separately in classification 1102 without a division of work hours; establishments engaged in freight handler services not covered by another classification (N.O.C.) which are to be reported separately in classification 2002-13; and establishments engaged in warehousing operations for general merchandise which are to be reported separately in classification 2102.

Special notes: Establishments engaged as freight handlers have the hazard of the continual movement of goods, in contrast to warehousing operations in classification 2102-00 that usually store goods for long periods of time. In addition, freight handling services providers do not operate warehouses and storage facilities as a general rule. Freight handling operations performed in connection with the loading or unloading of vessels or rail lines on piers or adjoining areas may be subject to coverage under the U.S. Longshore and Harbor Workers Act. Care should be exercised prior to the assignment of this classification to determine proper jurisdiction.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-557 Classification 2004.

((Iron or steel merchants, not junk or scrap dealers
This classification also includes wire rope and cable dealers:))

2004-21 Iron or steel merchants; wire rope and cable dealers

Applies to establishments engaged as iron or steel merchants or as dealers of wire rope, cable, or metal conduit. This classification includes the merchandising of nonferrous metals such as, but not limited to, copper, brass, or aluminum. This classification is distinguished from scrap metal dealers in classification 0604 who deal primarily in used metal as opposed to merchants in classification 2004 who sell new goods. Iron or steel merchants receive metal in the form of beams, sheets, plates, bars, rods, pipe, rounds, channels, angles, tubes, or coils from the mills which they unload with overhead cranes, and store them in their shop or yard. Using power equipment such as shearers, hacksaws, drills, benders, and cutting torches, they are cut, sheared, and formed to customer specifications. Wire rope and cable dealers use coilers to wind the wire rope or cable from large spools onto smaller spools, and use saws or other cutting tools to cut it to length and large hydraulic presses to attach sockets, pulleys and other hardware to wire rope to form rigging used by the fishing, logging, and construction industry.

This classification excludes scrap metal and junk dealers which are to be reported separately in classification 0604, and rebar fabricators which are to be reported separately in classification 5209.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-560 Classification 2007.

~~((Grain elevator or warehouse
Bean or pea elevator or warehouse-))~~

2007-02 Grain elevator or warehouse

Applies to establishments engaged in providing grain elevator or warehouse facilities. These facilities may range from hundred thousand bushel country elevators to multi-million bushel terminal elevators, the latter of which are located near railroad lines or seaports. Grain may be stored in elevators for years, depending on market conditions. Grain elevators operate year round or seasonally and may offer a variety of services ranging from storage only to grain milling (see exclusions below). Typical operations in this classification include weighing, grading, cleaning and drying of the grain, and conveyance to the storage lofts. Most grain elevators also provide a brokerage service for their customers.

This classification excludes grain milling which is to be reported separately in classification 2101 and bean or pea elevators which are to be reported separately in classification 2007-03.

2007-03 Bean or pea elevator or warehouse

Applies to establishments engaged in providing bean or pea elevator or warehouse facilities. Bean or pea elevators run all year round or seasonally and may offer a variety of services ranging from storage only to brokerage services. Typical operations in this classification include weighing, grading, cleaning and drying of the bean or pea, and conveyance to the storage lofts.

This classification excludes seed merchants who are to be reported separately in classification 2101; grain elevators which are to be reported separately in classification 2007-02; and vegetable cannery or processing operations and pea vining by cannery employees which are to be reported separately in classification 3902.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-561 Classification 2008.

~~((Warehouses field bonded, including clerical office at such location~~

~~This classification excludes drivers which are to be reported separately in classification 1102-))~~

2008-01 Warehouses - field bonded

Applies to establishments engaged in providing bonded warehouse services at the customers location. Field bonding involves appropriating a warehouse (or portion of one), that is owned by the customer, for the purpose of segregating and securing a portion of that customer's merchandise to be used as collateral for a bank loan. The field bonding company will catalog the merchandise that is involved in the transaction, issue a receipt (the receipt is presented as collateral for the loan), and ensure its security and value for the length of the contract. The field bonding company is not responsible for the maintenance of the facility and doesn't become involved

in handling, moving or shipping the goods. Work contemplated by this classification is limited to employees who catalog the goods being held, security guards, and clerical help employed at the secured location.

This classification excludes drivers who are to be reported separately in classification 1102.

Special note: Traditional warehousing establishments (such as those described in classification 2102) may be "bonded" in that they can assure their customers that goods regulated by the Bureau of Alcohol, Tobacco and Firearms, or goods awaiting inspection by U.S. Customs, will remain secured. This type of bonding is similar in that it is an assurance of value and safekeeping, but differs from classification 2008 in that the goods are delivered to, and held at, the warehouse company's own facility.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-56101 Classification 2009.

~~((Building material dealers, warehouse centers, home improvement centers, and lumber yards~~

~~Electrical supply dealers~~

~~Farm supply stores~~

~~Hardware stores with lumber or building material supplies~~

~~Pump, plumbing, irrigation and pipe supply dealers: Includes pump repair if done in shop~~

~~For the purposes of this rule the term "building materials" includes but is not limited to such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, windows, etc.~~

~~This classification includes all store and yard operations with inventory of building material, lumber and lumber products. Such stores may also carry a variety of hardware items, hand and power tools, paints, floor coverings, garden supplies, housewares, and similar types of products. Transfer of product or material inventory between related stores is included within this classification~~

~~This classification excludes delivery drivers who are to be reported separately in classification 1101 "delivery stores: Retail/wholesale." This classification further excludes all other activities conducted away from the store or yard-))~~

2009-00 Building material dealers and lumber yards

Applies to establishments engaged as building material dealers or lumber yards. For purposes of this classification the term "building materials" includes, but is not limited to, such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, windows, fixtures, cabinets, doors, linoleum, tile, paneling, interior wood and plastic trim and molding, concrete mix, pipe, plumbing, and electrical supplies. In addition, such establishments often carry a variety of paints and accessories, garden tools and accessories, and hardware items such as nails, nuts and bolts, tools, hinges, doorknobs, locks, and more. It is not uncommon for a building material dealer to specialize and sell only one of the above types of items. Establishments engaged as lumber yards carry a diverse line of wood and lumber products and usually with sufficient quantity to build an entire wood structure. This

line of wood and lumber products could include beams, planks, boards, plywood, an array of dimensional lumber (1x2, 2x4, 2x12, etc.), fence posts, railroad ties, shakes and shingles, siding, wood paneling, as well as interior wood trim and molding. Such establishments often carry a variety of other building materials such as electrical supplies, pipe and plumbing supplies, fixtures, cabinets, doors, windows, wallboard, insulation, linoleum, tile, paneling, bricks, blocks, concrete mix, roofing materials, sheet metal and more. These establishments often utilize one or more covered sheds to protect less durable materials from the outside climate, and will also utilize an uncovered open yard type of environment for storage of more durable wood, lumber, and building materials. In addition, such establishments could also have an inside store operation to include a variety of items such as hand and power tools, table saws, paints and varnishes, caulking, and a variety of hardware type items such as nails, nuts and bolts, hinges, doorknobs, locks, and more. This classification also includes retail/wholesale fence material dealers. This classification includes all store and yard operations and the transfer of materials or inventory between related stores.

This classification excludes delivery drivers (other than those involved in intrastore or intrayard transfers mentioned above) who are to be reported separately in classification 1101; nondelivery activities conducted away from the store or yard; hardware stores with building materials or lumber which are to be reported separately in classification 2009-03; and warehouse centers which are to be reported separately in classification 2009-05.

2009-01 Electrical supply dealers

Applies to establishments engaged as electrical hardware and supply dealers who primarily sell electrical hardware and supplies in bulk to the contractor trades, such as electrical and construction, although sales also may be made to individuals for their own use. Supplies are typically received in bulk quantity and may include, but are not limited to, spools of electrical wiring and cable, wiring harnesses, plastic and flex hosing, panel boxes, brackets, electrical outlet boxes, fuses, switches, plates, and residential and commercial canisters and light fixtures. This classification includes all store and yard operations and the transfer of materials or inventory between related stores.

This classification excludes delivery drivers (other than those involved in intrastore or intrayard transfers mentioned above) who are to be reported separately in classification 1101; nondelivery activities conducted away from the store or yard; all service or repair work which is to be reported separately in the applicable classification whether it is conducted at the store or a customer's location; retail lighting fixture stores which demonstrate lights and fixtures to walk-in customers which are to be reported separately in classification 6406; and establishments engaged as wholesale lighting fixture and light bulb dealers who buy direct from manufacturers and who sell wholesale to retail lighting fixture stores or other such stores or institutions who are to be reported separately in classification 6407.

2009-02 Farm supply stores

Applies to establishments primarily engaged in operating farm supply or farm cooperative stores. These establishments carry a diverse line of farm feeds, products, and accessories. Typical items may include, but are not limited to, bulk quantities of mixed and unmixed feeds, seeds, oats and grains; bales of alfalfa or hay; bag feed for dogs, cats, chickens, birds, and other animals; bulk and bag fertilizers; pesticides and other garden items including peat moss and bark; animal grooming and care accessories; horse tack; specialty clothing; feed and water bins; metal fencing and grates for livestock; fence posts; barbed wire; pumps and piping; hardware and tools; automotive and tractor parts and accessories; and miscellaneous homeowner or yard equipment such as mowers, rototillers, and a variety of small tractors and accessories. This classification includes all store and yard operations and the transfer of materials or inventory between related stores.

This classification excludes delivery drivers (other than those involved in transferring materials or inventory between related stores) who are to be reported separately in classification 1101; all other nondelivery activities conducted away from the store or yard; all service or repair work which is to be reported separately in the applicable classification whether it is conducted at the store or a customer's location; and establishments primarily engaged in the sale, service and/or repair of farm machinery and implements which are to be reported separately in classification 6408.

Special note: Farm supply or farm cooperative stores may conduct additional operations which are to be reported separately. These activities may occur at a single location operated by the business or at separate locations and may include an oil or gas dealership which is to be reported separately in classification 3407; self-service gas or diesel stations which are to be reported separately in classification 3409; or agricultural fertilizer dealers (not including the manufacture of raw materials) which are to be reported separately in classification 2106.

2009-03 Hardware stores with lumber or building material supplies

Applies to establishments engaged in operating hardware stores that also sell building material supplies. For purposes of this classification the term "building materials" includes, but is not limited to, such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, and windows, cabinets, doors, windows, sheet metal, roofing materials, concrete mix, boards, plywood, dimensional lumber (1x2, 2x4, 2x12, etc.), fence posts, railroad ties, siding, and wood paneling, as well as interior wood trim and molding. The merchandise carried will vary from store to store. For the purposes of this classification, hardware includes items such as, but not limited to, nails, nuts, bolts, screws, door fixtures, hinges, locks, power and hand tools, garden tools and accessories, electrical and plumbing supplies, and paint and automobile supplies. Depending on their location and customer base, hardware stores may also sell a limited selection of giftware, housewares, sporting goods, athletic equipment, games or similar items. Other services provided could include making keys, threading pipe, mixing paint, and the sale of fishing

or hunting licenses. This classification includes all store and yard operations and the transfer of materials or inventory between related stores.

This classification excludes delivery drivers (other than those involved in transferring materials or inventory between related stores) who are to be reported separately in classification 1101; all other nondelivery activities conducted away from the store or yard operation; and all service or repair work which is to be reported separately in the applicable classification whether it is conducted at the store or a customer's location.

Special note: Hardware stores with lumber or building material supplies are smaller and offer a smaller product selection than warehouse centers which are reported separately in classification 2009-05. Establishments primarily engaged as building material dealers and lumber yards are to be reported separately in classification 2009-00.

2009-04 Pump, plumbing, irrigation, and pipe supply dealers

Applies to establishments engaged as pump, plumbing, irrigation, and pipe supply dealers. Merchandise includes, but is not limited to, pumps, above and below ground irrigation systems and supplies, pipe, fittings, elbows, adapters, connectors, hoses, valves, water softeners, filters, disposals, hot water tanks, heaters, sinks, tubs, toilets, and shower units. Merchandise is typically received in bulk quantity by the pallet, sling, crate or box. Merchandise is sold primarily to plumbing and irrigation contractors. This classification includes all store and yard operations, including showrooms or display areas and in-shop services such as the rebuilding or repair of pumps, and cutting and threading pipe. Also included in this classification is the transfer of product or material inventory between related stores.

This classification excludes delivery drivers who are to be reported separately in classification 1101; all other nondelivery activities conducted away from the store or yard; and all service or repair work not described above which is to be reported separately in the applicable classification whether it is conducted at the store or a customer's location.

2009-05 Warehouse centers

Applies to establishments engaged in operating warehouse centers with lumber or building material supplies. For purposes of this classification a warehouse center is an enclosed building or structure which serves to protect the majority of the items or products contained within the warehouse environment. Warehouse centers are larger than traditional hardware stores and offer a wider product selection. A dominant characteristic of a warehouse center is that excess stock is stacked up to 25 feet high throughout the building. The term "building materials" as used in this classification includes, but is not limited to, such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, and windows. Merchandise carried by warehouse centers may include hardware, variety items, building materials, as well as wood or lumber. Hardware items may include such items as nails, nuts, bolts, door fixtures, hinges, locks, hand or power tools, garden tools, garden supplies and accessories, lawn mowers, electrical supplies, plumbing supplies, paint, and auto sup-

plies. Variety items may include giftware, housewares, sporting goods, athletic equipment, games, rugs, and lawn chairs. Wood and lumber products may include beams, planks, boards, plywood, dimensional lumber (1x2, 2x4, 2x12, etc.), fence posts, railroad ties, shakes and shingles, siding, and wood paneling. This classification includes all store and yard operations and the transfer of materials or inventory between related stores.

This classification excludes delivery drivers (other than those involved in transferring materials or inventory between related stores) who are to be reported separately in classification 1101; all other nondelivery activities conducted away from the store or yard; and all service or repair work which is to be reported separately in the applicable classification whether it is conducted at the store or a customer's location.

Special note: Hardware stores with lumber or building material supplies are smaller and offer a smaller product selection than warehouse centers and are reported separately in classification 2009-03. Establishments primarily engaged as building material dealers and lumber yards are to be reported separately in classification 2009-00.

2009-06 HVAC supply dealers

Applies to establishments engaged as heating, ventilation, and air conditioning product and supply dealers. Merchandise includes, but is not limited to, furnace units, gas fireplaces, air conditioning and heater units, hot water tanks, thermostats, vents, venting duct and pipe, vent collars and reels, registers, fittings, adapters, galvanized pipe, insulation wrap, preformed or bent duct portions, flat sheets of metal, concrete pads and gas logs. Merchandise is typically received in bulk quantity by the pallet, sling, crate or box. Merchandise is primarily sold to heating and ventilation contractors, furnace contractors and sheet metal contractors. This classification includes all store and yard operations and the transfer of product or material inventory between related stores.

This classification excludes sheet metal fabrication shops which are to be reported separately in classification 3404; delivery drivers (other than those involved in intrastore or intrayard transfers) who are to be reported separately in classification 1101; all other nondelivery activities conducted away from the store or yard; and all service or repair work which is to be reported separately in the applicable classification whether it is conducted at the store or a customer's location.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-562 Classification 2101.

~~((Grain milling, feed mills, feed manufacture—including preparation of cereal or compound feeds for livestock
Flour mills
Hay, grain or feed dealers
Hop pellet manufacturing
Seed merchants including operation of seed sorting machinery--))~~

2101-00 Grain milling; flour mills; feed mills; feed manufacturing

Applies to establishments engaged in milling grain into flour or meal or in the manufacture of dry (powdered, granule or pellet) feed. Operations contemplated by this classification include the receipt of grain (wheat, barley, oats, corn) in bulk or bag which is purchased from others, grinding or milling the grain to either a coarse or a fine powder, adding binder (molasses), adding and mixing ingredients (depending on product being made), and packaging. This classification includes delivery of products in packaged or bulk form to customers.

This classification excludes establishments engaged in the further processing of flour or meal to manufacture food products which are to be reported separately in the applicable food manufacturing classification, and establishments engaged in the manufacture of canned animal food which are to be reported separately in classification 3902.

2101-01 Hay, grain or feed dealers

Applies to establishments engaged in the sale of grain, feed, and hay to others. Operations contemplated by this classification are limited to the purchase of hay, grain, or feed in bulk from others and the subsequent resale of these items in bulk to others. Establishments subject to this classification may have a small store operation, a substantial storage facility, or they may haul product from location to location all of which are included within the scope of this classification when done by employees of employers subject to this classification.

This classification excludes the sale of hay by farm operations which is to be reported separately in classification 4808, and establishments engaged in the manufacture of animal feed which are to be reported separately in classification 2101-00.

2101-02 Seed processing

Applies to establishments engaged in the processing of agricultural seeds for wholesale or retail sales. These establishments receive produce such as wheat, barley, alfalfa, lentils, vegetables, fruit or flowers from farmers the seed company has contracted with, or in the case of larger seed companies, they may have their own fields for raising the seed crop. Work contemplated by this classification includes, but is not limited to, cleaning, grading, crushing, separating, and packaging of the product (either by hand or by machine). Machinery includes, but is not limited to, screening machines, air gravity separators, clippers, tumbling drums for polishing, and bagging machines. This classification also includes trial plots or lab research facilities used to develop new seed hybrids and improve existing varieties, consultation services provided to the farmers during planting and harvesting seasons, and custom milling work conducted at the farmer's premises. Also included in this classification are establishments engaged exclusively in providing grain or seed drying services.

This classification excludes growing of seeds, other than on a trial plot, which is to be reported separately in the appropriate agricultural classification; merchants engaged in hand packaging seeds that have been processed by others who are

to be reported separately in classification 6309-06; grain milling which is to be reported separately in classification 2101-00; hay/grain/feed dealers which are to be reported separately in classification 2101-01; and grain or bean/pea elevators which are to be reported separately in classification 2007.

2101-05 Hop pellet manufacturing

Applies to establishments engaged in the manufacture of hop pellets. Hop pellets are one of several ingredients used by breweries in the manufacture of beer and ale. Operations contemplated by this classification include, but are not limited to, cold storage room operations where bales of hops are kept, bale breaking and grinding of hops into powder, blending of powders and additives, testing of hops, pelletizing, packaging, and shipping. Establishments subject to this classification may own the hops or do custom blending for others.

This classification excludes establishments engaged in the manufacture of hop extract which are to be reported separately in classification 3701.

Special note: Hop pellets are often referred to as a flavoring so care should be taken, when another classification is being considered, to determine the process used.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-563 Classification 2102.

~~((Grocery, fruit or produce distributors, wholesale or combined wholesale and retail. Drivers are to be reported separately in classification 1101 "delivery by combined wholesale and retail stores"~~

~~Recycle, collection and receiving stations, and dealers of rags, bottles, paper and metal containers, N.O.C. including cashiers and attendants but excludes, junk dealers. Drivers are to be reported separately in classification 1102 "trucking, N.O.C."~~

~~Warehouses—general merchandise—excluding wholesale dealers which are to be reported separately in the applicable classification; and drivers which are to be reported separately in classification 1102 "trucking, N.O.C."~~

~~Wool or cotton merchants. Drivers are to be reported separately in classification 1102 "trucking, N.O.C.")~~

2102-00 Warehouses - general merchandise

Applies to establishments operating as warehouses for general merchandise. This merchandise belongs to a customer and is usually stored for long periods of time. Products typically involved are bulk, nonperishable materials which might include, but not be limited to, rice, coffee, potatoes, or dry cement. Work contemplated by this classification includes, but is not limited to, unloading deliveries, moving merchandise within the facility, recordkeeping, security, and maintaining the facility. Equipment and machinery used includes pallet jacks, forklifts, routine maintenance, cleaning and recordkeeping supplies, and shop vehicles.

This classification excludes delivery drivers who are to be reported separately in classification 1102; wholesale dealers who operate a warehouse for storage of their own product which is to be reported separately in the classification appli-

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cable to the product being sold; warehousing of household furnishings by a moving and storage company which is to be reported separately in classification 6907; cold storage plants which are to be reported separately in classification 4401; mini-storage warehousing which is to be reported separately in classification 4910; field bonded warehouses which are to be reported separately in classification 2008; and the warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.

Special note: Even though this type of operation may handle some "grocery" products, it differs from 2102-11 in that the products being handled in 2102-00 are in bulk packaging (not cases of consumer-size packages), do not belong to the business that is warehousing them, and are not intended for sale to a wholesaler/retailer.

2102-04 Recycle, collection and receiving stations; rags, bottles, paper and metal container dealers, N.O.C.

Applies to establishments engaged in the collection of used paper, aluminum, tin, glass, and plastic for the purpose of selling the material to another business that will recycle/remanufacture it into new products. These facilities normally acquire material by placing collection bins at various remote locations, operating a drop-off center (this phase of the business is known in the trade as a "buy back center"), and employing drivers to pick up from businesses. Work contemplated by this classification includes, but is not limited to, sorting material, operating various pieces of equipment used to crush, reduce, wash, and bale material, weighing containers, paying customers for receipt of items that have a redemption value by the pound or piece ("buying back"), and operating shop or yard vehicles. Machinery and equipment includes, but is not limited to, shredders, balers, can crushers, weigh scales, forklifts, collection bins, shop or yard vehicles, and rolloff trucks to handle the collection bins. This classification includes dealers of rags, bottles, paper and metal containers not covered by another classification (N.O.C.)

This classification excludes drivers who are to be reported separately in classification 1102 and establishments engaged in collecting, sorting and reducing scrap metal such as junk dealers, scrap metal dealers or processors, which also receives glass, paper, plastic, etc., which are to be reported separately in classification 0604.

Special note: Classification 2102-04 should not be assigned to an employer who also operates a business subject to classification 4305-18 (Garbage, refuse or ashes collecting) without careful review and an on-site survey. Most garbage collecting businesses have some type of "recycle" program as part of their normal operations in an effort to sort and reduce the amount of waste that goes to landfills and this is considered an inclusion.

2102-11 Grocery, fruit or produce distributors - wholesale or combined wholesale and retail

Applies to establishments engaged in the wholesale, or wholesale/retail, distribution of a variety of grocery items, fruit and produce. A business in this classification buys products from the manufacturer and sells to retail grocery stores,

restaurants, and similar businesses. Grocery items may include, but not be limited to, packaged foods, frozen foods, household cleaning supplies, paper products, personal care items, beer, soda, and dairy products. Work contemplated by this classification includes, but is not limited to, unloading deliveries, moving merchandise within the facility, incidental repackaging, breakdown of merchandise into smaller lots, recordkeeping, security, and maintaining the facility. Equipment and machinery includes, but is not limited to, pallet jacks, forklifts, strapping and shrink wrapping equipment, and vehicles.

This classification excludes delivery drivers who are to be reported separately in classification 1101; any general merchandise warehouse operations in which the operator of the warehouse does not own the merchandise being handled and it is in bulk quantities, which is to be reported separately in classification 2102-00; cold storage plants handling food products which are to be reported separately in classification 4401; operations specializing in vegetable/fruit packing for wholesale distribution which are to be reported separately in classification 2104; operations specializing in wholesale distribution of beer, wine, ale or soft drinks which is to be reported separately in classification 2105; field bonded warehouses which are to be reported separately in classification 2008; and the warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.

2102-28 Wool or cotton merchants

Applies to establishments operating as wool or cotton merchants. Merchants subject to this classification buy raw wool or cotton from others, do incidental sorting, grading and repackaging, and sell the product to another business for use as a raw material to make products such as yarn, thread or fabric. Work contemplated by this classification includes, but is not limited to, unloading deliveries, moving merchandise within the facility, hand sorting the product by grade (quality), repackaging, recordkeeping, security, and maintaining the facility. Equipment and machinery includes, but is not limited to, pallet jacks, forklifts, repackaging equipment and vehicles.

This classification excludes drivers who are to be reported separately in classification 1102; wholesale dealers of a finished wool or cotton product which are to be reported separately in the classification applicable to the product; and the warehousing of a manufacturer's own product which is to be reported separately in the manufacturing classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-564 Classification 2104.

~~((Fruit packing—fresh~~

~~Vegetable packing—fresh~~

~~This classification includes cold storage operations when conducted in connection with a fruit or vegetable packing operation~~

~~This classification excludes all canning or freezing operations:))~~

2104-01 Vegetable packing - fresh

Applies to establishments engaged in the packing of fresh vegetables. These operations are usually located in produce growing areas and are generally seasonal. The vegetables are generally brought to the packing plant by the farmer or co-op drivers, but some packing plants may employ their own drivers to pick up the product from the local farms or co-op. Typical activities of the packing operation include, but are not limited to, sorting, grading, cleaning, trimming, packing and shipping of the vegetables. Various packing containers such as plastic bags, boxes, barrels, crates, and baskets may be used. The packing may be done by hand for fragile vegetables or by machine for the more sturdy produce. This classification includes cold storage operations if it is used solely for the storage of their own produce. Drivers employed by these establishments who pick up the vegetables from the farmer or deliver the packaged product to the market are included in this classification. When an establishment is engaged in both fresh vegetable and fresh fruit packing a determination needs to be made as to which produce is the majority of their business in order to assign the appropriate classification. A farm operation that grows and packs their own fresh vegetables or packs other farms' fresh vegetables in addition to their own is to be assigned this classification (2104) for the packing operation. However, if the farmer only sorts and stores the fresh vegetables, the appropriate agricultural classification is applicable to both the growing and sorting/storage operations. This classification also includes establishments engaged in seed potato processing. These processors will pick the potatoes up from the farmer and take them to their processing plant where the potatoes are washed and chopped up by machine on a conveyor belt. The seeds are then removed by hand using a knife. After the processing is completed the seeds are returned to the farmer for future crops.

This classification excludes fresh fruit packing which is to be reported separately in classification 2104-02; cannery or freezing operations and/or any processing of the vegetables which are to be reported separately in classification 3902; and cold storage operations not exclusively part of a packing operation which are to be reported separately in either classification 4401 or 4404.

2104-02 Fruit packing - fresh

Applies to establishments engaged in the packing of fresh fruit. These operations are usually located in produce growing areas and generally are seasonal. The fruit may be brought to the packing plant by the farmer or co-op drivers, but some packing plants may employ their own drivers to pick up the product from the local farms or co-op. Typical activities of the packing operation include, but are not limited to, sorting, grading, cleaning, trimming, packing and shipping the fruit. Various packing containers such as plastic bags, boxes, barrels, crates and baskets may be used. The packing may be done by hand for fragile fruit or by machine for the more sturdy produce. This classification includes any cold storage operations if it is used solely for the storage of their own produce. Drivers employed by these establishments who pick up the fruit from the farmer or deliver the packaged product to the market are included in this classification.

When an establishment is engaged in both fresh fruit and fresh vegetable packing a determination should be made of which produce is the majority of their business to assign the appropriate classification. A farm operation that grows and packs their own fresh fruit, or packs other farms' fresh fruit in addition to their own, is to be assigned this classification (2104) for the packing operation. However, if the farmer only sorts and stores the fresh fruit the appropriate agricultural classification is applicable to both the growing and sorting/storage operations.

This classification excludes fresh vegetable packing which is reported separately in classification 2104-01; cannery or freezing operations and/or any processing of the fruit which are to be reported separately in classification 3902; and cold storage operations not exclusively part of a packing operation which is reported separately in either classification 4401 or 4404.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-56401 Classification 2105.

~~((Beer, ale, wine or soft drink importers, exporters and distributors, wholesale or combined wholesale and retail Classification 2105 and 3702 are not to be assigned to the same establishment unless each operation is conducted as a separate and distinct business and the conditions set forth in WAC 296-17-390 have been met~~

~~This classification excludes the installation, service and repair of vending machines which are to be reported separately in classification 0606.)~~

2105-00 Beer, ale, wine and soft drink importers, exporters and distributors - wholesale or combined wholesale and retail

Applies to establishments engaged in wholesale, or combined wholesale and retail, distribution of beer, ale, wine and soft drinks. These establishments carry a wide selection of soft drinks, domestic and import beers, ales, and wine, as well as beer pumps and ice. Product stock is received directly from the breweries, wineries, manufacturers or larger distributors, and stored in warehouses or refrigerated storerooms on pallets, in crates, boxes, cases, cartons, kegs or canisters. Stock is then distributed to customers such as, but not limited to, restaurants, lounges and bars, hotels, grocery stores, or other commercial businesses. This classification includes route drivers and driver's assistants.

This classification excludes establishments engaged in the installation, service and repair of vending machines which are to be reported separately in classification 0606, and breweries, wineries, and beverage bottlers, N.O.C. which are to be reported separately in classification 3702.

Special notes: Classifications 2105 and 3702 shall not be assigned to the same account unless each operation is conducted as a separate and distinct business and the conditions set forth in the general reporting rule covering the operation of a secondary business have been met.

2105-01 Beer, ale and wine importers, exporters and distributors - wholesale or combined wholesale and retail

Applies to establishments engaged in wholesale, or combined wholesale and retail, distribution of beer, ale and wine, but not in soft drink beverages. These establishments carry a wide selection of domestic and import beers, ales or wines, as well as beer pumps and ice. Product stock is received directly from the breweries, wineries, manufacturers, or larger distributors and stored in warehouses or refrigerated storerooms on pallets, in crates, boxes, cases, cartons, kegs or canisters. Stock is then distributed to customers such as, but not limited to, restaurants, lounges and bars, hotels, grocery stores, or other commercial businesses. This classification includes route drivers and driver's assistants.

This classification excludes establishments engaged in the installation, service and repair of vending machines which are to be reported separately in classification 0606, and breweries, wineries and beverage bottlers, N.O.C. which are to be reported separately in classification 3702.

Special notes: Classifications 2105 and 3702 shall not be assigned to the same account unless each operation is conducted as a separate and distinct business and the conditions set forth in the general reporting rule covering the operation of a secondary business have been met.

2105-02 Soft drink importers, exporters and distributors - wholesale or combined wholesale and retail

Applies to establishments engaged in wholesale, or combined wholesale and retail, distribution of soft drink beverages but not alcoholic beverages. Product stock is received directly from the manufacturers or larger distributors and stored in warehouses or refrigerated storerooms on pallets, in crates, boxes, cases, cartons, or canisters. Stock is then distributed to customers such as, but not limited to, restaurants, lounges and bars, hotels, grocery stores, or other commercial beverages. This classification includes route drivers and driver's assistants.

This classification excludes establishments engaged in the installation, service and repair of vending machines which are to be reported separately in classification 0606, and establishments that bottle beverages which are to be reported separately in classification 3702.

Special note: Classifications 2105 and 3702 shall not be assigned to the same account unless each operation is conducted as a separate and distinct business and the conditions set forth in the general reporting rule covering the operation of a secondary business have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-56402 Classification 2106.

((Anhydrous ammonia, fertilizer, and agricultural chemical dealers including incidental mixing of chemicals purchased from others

This classification does not apply to any establishment engaged in the production of raw materials or chemicals used in the manufacture of the above products:))

2106-00 Fertilizer, anhydrous ammonia and agricultural chemical dealers

Applies to establishments engaged in the sale of fertilizer, anhydrous ammonia, and agricultural chemicals. This classification includes the mixing of wet or dry chemical fertilizers all of which fall into one of three categories: Nitrogen, phosphate or potassium. Fertilizer dealers may use a chemical or mechanical process to mix one or more of the basic fertilizers or combine portions of each per customer specifications. Included in this classification is the manufacture, distribution, and application of anhydrous ammonia which is dry ammonia gas compressed into a liquid and used as a fertilizer. Also included in this classification are establishments that sell and distribute "natural" fertilizers (manure). Typical establishments in this classification include, but are not limited to, commercial fertilizer dealers, farmer co-ops, and grange supply dealers which may do some chemical mixing but are more predominately involved in the sales and delivery of the fertilizer.

This classification excludes the mining of raw ores (phosphate and potassium) used in manufacturing the fertilizer which is to be reported separately in classification 1701; the manufacture of ammonia and nitric acid which is to be reported separately in classification 3701; and the application of fertilizer by a custom farm services contractor which is to be reported separately in classification 4808.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-565 Classification 2201.

((Laundries and dry cleaning establishments all operations including alterations, repair, and drop off stations operated by such establishments

Cleaning and dyeing

This classification is limited to establishments providing services primarily to retail walk-in customers:))

2201-01 Laundry, dry cleaning and dyeing establishments

Applies to establishments engaged in laundry, dry cleaning, or dyeing services. This classification is limited to establishments providing services primarily to retail walk-in customers who leave the items to be laundered, dry cleaned, or dyed at the laundry facility. This classification covers all operations including, but not limited to, dry cleaning, dyeing, the washing, drying, and pressing of clothing or household furnishings such as, but not limited to, curtains, bedding, linens, and sleeping bags, repairing or altering the items left for cleaning, pick up and delivery services, and drop off stations. These establishments generally employ counter staff to wait on customers as well as employees who engage in laundering and/or dry cleaning operations (although some employees may perform both activities). This classification also includes waterproofing or mothproofing garments, or providing cold storage for fur goods for retail customers. Materials and machinery include, but are not limited to, detergents, bleaches, cleaning solvents, deodorizers, dyes, clothes hangers, plastic bags, automatic or steam operated washing machines, dryers, dry cleaning chambers, dyeing vats, pressing and ironing boards, sewing machines, and delivery vans.

This classification excludes self-service, coin-operated laundry or dry cleaning establishments which are to be reported separately in classification 2204; commercial or industrial laundries not covered by another classification, including linen, uniform and diaper services which are to be reported separately in classification 2203; and carpet, rug and upholstery cleaning establishments which are to be reported separately in classification 2202.

Special note: It is common for establishments subject to this classification to have satellite locations where customers drop off and pick up cleaning, but where no actual laundering occurs. Drop off centers are included in this classification.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-566 Classification 2202.

~~((Carpet, rug and upholstery cleaning, shop or outside:))~~

2202-03 Carpet, rug, and upholstery cleaning

Applies to establishments engaged in cleaning rugs, carpets, or upholstery for commercial, institutional or residential customers. This classification contemplates work done either at the customer's location or in their own shop or plant. In-shop cleaners usually clean area rugs, and may occasionally clean furniture upholstery. Items are picked up by employees or delivered to the shop, where they are measured and inspected for tears, worn areas, stains or other damage. Rugs may be cleaned with vibrating machines, vacuum cleaners, or shampooing machines. Cleaned rugs are suspended from poles and conveyed into the drying room where large fans propel heated air to dry them. Once dry, the rugs are inspected, rolled, wrapped, and returned to the customer or stored until the customer requests delivery. Services at customers' location may use truck-mounted or portable cleaning equipment. Carpet and upholstery cleaning services may offer incidental, related services such as, but not limited to, carpet dyeing and tinting, repairs, carpet maintenance consultations, rug decontamination, on-site dry cleaning of draperies, floor or wall cleaning, the rental of cleaning equipment, or the sale of cleaning solutions. These incidental activities are included in this classification when done by employees of employers subject to this classification.

This classification excludes janitorial establishments that provide general interior cleaning services to the public which are to be reported separately in classification 6602, and laundry and dry cleaning establishments providing services primarily to retail walk-in customers which are to be reported separately in classification 2201.

Special note: Restoration work (as a result of smoke or water damage) such as drying and/or cleaning carpets and upholstered furniture, washing and polishing furniture, washing walls, washing and waxing floors, and cleaning the personal contents of a home is included in classification 6602-03. Refer to classification 6602-03 for more detailed information on restorations.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-56601 Classification 2203.

~~((Laundries—commercial or industrial, N.O.C., including linen, uniform and diaper service:))~~

2203-00 Laundries - commercial or industrial: N.O.C.

Applies to establishments engaged in laundering operations which are not covered by another classification (N.O.C.). In addition to linen, uniform or diaper services, these establishments may launder other goods such as, but not limited to, protective apparel (flame, heat, or chemical resistant), dust control items (treated mops, rugs, mats, dust cloths), and wiping towels. These items may belong to the commercial or industrial laundry and rented to users, or they may be the customers' own goods. Operations include, but are not limited to, soliciting new customers by route supervisors or drivers, collecting and delivering, marking, weighing and sorting laundry, washing, extracting, tumbling, starching, drying, machine or hand ironing, making repairs or alterations, folding and wrapping. This classification also contemplates employees such as counter personnel, receiving clerks, sorters and markers at collection or distribution stores operated on the premises where laundering is performed.

This classification excludes laundry and dry cleaning establishments providing services primarily to retail walk-in customers which are to be reported separately in classification 2201; self-service, coin-operated laundry or dry cleaning establishments which are to be reported separately in classification 2204; and carpet, rug and upholstery cleaning establishments which are to be reported separately in classification 2202.

Special note: This classification also covers establishments specializing in stone washing jeans or "contract dyeing" for commercial or industrial businesses and the cleaning of nonfabric items, such as venetian blinds, plastic goods or computer parts when done at the laundry facility.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-56602 Classification 2204.

~~((Laundry or dry cleaning: Coin-operated—self-service operations:))~~

2204-00 Laundry or dry cleaning - coin-operated, self-service operations

Applies to establishments engaged in the operation of coin (or card) operated self-service laundry and dry cleaning equipment for customers' use on the premises. Most facilities have an attendant(s) on duty at all times; others may have only periodic surveillance by the owner or employees. Attendants generally ensure there are no problems with the equipment or with vandalism; they may perform minor repair or adjustments on the machines, assist patrons by carrying laundry or explaining the operation of the machines. There is usually a small waiting area which may include benches and chairs, change-making machines, vending machines with food and laundry supplies. Materials include, but are not limited to, detergents, bleaches, fabric softeners, dry cleaning

solvents, spot-removing fluids, plastic bags, and hangers. Machinery includes, but is not limited to, residential or commercial sized washers and dryers, dry cleaning machines, pressing machines, irons, coin changing machines, tables for folding clothing, chairs, hanger racks, water heating and storage system, solvent reclaiming units, and solvent storage tanks.

This classification excludes laundry and dry cleaning establishments providing services primarily to retail walk-in customers which are to be reported separately in classification 2201, and commercial or industrial laundries not covered by another classification, including linen, uniform and diaper service which are to be reported separately in classification 2203.

Special note: This classification includes self-service/coin-operated cleaning facilities that offer dry cleaning services where the customers leave their clothing with the attendant and it is sent elsewhere for professional dry cleaning. This classification does not apply to any self-service/coin-operated cleaning facilities where the attendant performs any washing, drying, dry cleaning, hanging, or folding services on the premises which are to be reported separately in classification 2201.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-567 Classification 2401.

~~((Corrugated and fiber board container: Manufacturing, including corrugating and laminating of paper~~

~~Paper: Coating, corrugating, laminating or oiling~~

~~Paper goods: Manufacturing, N.O.C., such as but not limited to counter tops, panels, spiral tubes, milk cartons, and paper-mache items~~

~~Paper or pulp: Manufacturing~~

~~Wood fiber: Manufacturing.))~~

2401-00 Paper, pulp, or wood fiber: Manufacturing

Applies to establishments engaged in making paper from raw materials such as, but not limited to, wood chips, cotton fiber, water, kraft paper, recycled paper, bleach and dye purchased from outside sources. This classification includes the mashing of wood chips into fiber. Paper manufacturers may make finished products from the paper they manufacture which is included in this classification when done by employees of employers subject to this classification. Equipment includes, but is not limited to, large vats and tanks, spraying systems, choppers, paper-making machines, conveyor systems, forklifts, scales, winders, rewinders, and cutting machinery. Modern automated paper mills are monitored from computerized control rooms; many of the employees are electricians and control technicians. Wood chips are heated, washed, drained, impregnated with chemicals to separate natural binder fibers from the cellulose fibers, then chopped into tiny particles and further cleansed. Bleach and water are added again and the fibrous mixture is held in tanks to relax and fluff it to a natural state before going to a filtering process where the water is removed, allowing it to coagulate. More ingredients are added to increase strength, then the mixture is sprayed onto the paper-making machinery where it

winds through the various sections at high speed. During the first stage the pulp is mostly water; as it spins on the wire mesh, the water is suctioned out and the paper winds around felt-covered rollers. The machine moves the paper through an enclosed, heated room (oven) and dried. The dried paper is rolled from the oven, smoothed on rollers, then rewound into smaller rolls and cut into desired lengths and widths.

This classification excludes establishments engaged in the manufacture of wood chips which are to be reported separately in classification 2903 and establishments engaged in the manufacture of abrasive cloth or paper (emery cloth/sandpaper) which are to be reported separately in classification 3708.

2401-03 Corrugated and fiber board container: Manufacturing

Applies to establishments engaged in the manufacture of boxes and cartons made of corrugated cardboard. Manufacturers subject to this classification may either corrugate cardboard for use in their own products or purchase corrugated cardboard from others. Applying coatings or laminating their own products is included in this classification when done by employees of employers subject to this classification. Raw materials include, but are not limited to, corrugated cardboard, glue, staples, tape, ink, and coating resins. Machinery includes, but is not limited to, sheeters, slitters, slotters, winders or rewinders, printing presses, box-making machinery, die cutters or other cutting machines, laminators, corrugators, balers and shredders, and forklifts. Cardboard is cut to size and shape, printed, scored or creased, corners cut or slotted, sides folded and bottom pieces taped together. Box manufacturers may cut Styrofoam into packing pieces if their customers want them as a packaging unit. This incidental activity is included within the scope of this classification when done by employees of an employer subject to this classification.

This classification excludes establishments engaged in corrugating, laminating, oiling or coating paper which are to be reported separately in classification 2401-04 and establishments engaged in the manufacture of abrasive cloth or paper (emery cloth/sandpaper) which are to be reported separately in classification 3708.

2401-04 Paper coating, corrugating, laminating, oiling, or embossing

Applies to establishments engaged in manufacturing corrugated cardboard, or in coating, laminating, oiling, embossing paper or cardboard (chipboard) for others. To make corrugated cardboard, three (or more) rolls of kraft paper are simultaneously fed into a corrugating machine. Steam is sprayed onto the middle sheet as it winds around grooved rollers, forming grooves. Glue is applied to the tips of the grooves and the middle sheet is run between the other two sheets to form corrugated cardboard. The rest of the process involves heating, drying and curing, scoring and cutting the cardboard. Coating involves mixing coating materials, pouring the mixture into troughs of coating machines; the paper passes over rollers through the coating mixtures. Oiling or waxing processes are similar, but the oils or waxes are heated prior to being applied to the paper. After saturation, paper is dried, then finished by calendering (smoothed by being

pressed through large rollers), slitting to desired widths, and rewinding or sheeting to size. Laminated paper is produced by feeding a paste or glue between layers of paper, pressing them together, drying and finishing by winding into rolls, or cutting, slitting or die cutting to size and shape. Paper is embossed by winding it on embossing rollers that perforate designs in it. Raw materials include, but are not limited to, kraft paper, chipboard, glues, waxes, resins and other coating liquids. Machinery for all these processes moves paper through glue baths, finishing applications, squeeze rollers, corrugating or embossing rollers, drying ovens, cutting devices, laminators, and/or stacking equipment. Other machinery includes, but is not limited to, forklifts, balers and shredders.

This classification excludes establishments engaged in the manufacture of paper, pulp or wood fiber which are to be reported separately in classification 2401-00; establishments engaged in the manufacture of corrugated and fiber board containers which are to be reported separately in classification 2401-03; and establishments engaged in the manufacture of abrasive cloth or paper (emery cloth/sandpaper) which are to be reported separately in classification 3708.

Special note: This classification differs from classification 2401-03 in that making corrugated cardboard or laminating, oiling, or coating cardboard products made by others is the main activity in classification 2401-04 while such supporting operations in classification 2401-03 are incidental to the manufacture of the product.

2401-08 Paper goods, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of heavy-grade, paper-based products, which are not covered by another classification (N.O.C.). Products range widely and include, but are not limited to, panels, paper-mache items, milk cartons, display boards, commercial air filters, and spiral tubes. Spiral tubes range in size from small cores for paper towels to large tubes used by the construction industry to form concrete. Materials include, but are not limited to, paper, chipboard, glue, inks and dyes, chemicals; materials such as lightweight wire, or small parts made of plastic, Styrofoam, or textiles could be used as auxiliary pieces of the finished product. Machinery includes, but is not limited to, sheeters, slitters, slotters, winders, rewinders, printing presses, cutting, drilling or punching machines, ovens, heated presses, vats and beaters, grinders, laminators, embossers, gluers, vacuum machines, heat-sealing machines, wire-bending equipment, packaging equipment, conveyors, shredders, and balers. Depending on the product being made, processes are similar to one or more of those described in the other paper products manufacturing classifications.

This classification excludes establishments engaged in the manufacture of paper, pulp or wood fiber which are to be reported separately in classification 2401-00.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-568 Classification 2903.

~~((Boat: Manufacturing, repair, or refinish—wood~~

~~Box, shoo, pallet, bin: Manufacturing, assembly or repair—wood—including assembly work performed at the customer's place of business~~

~~Door, jamb, window, sash, stair, molding and miscellaneous millwork manufacturing including prehanging or assembly—wood~~

~~Furniture stock manufacturing—wood~~

~~Lumber remanufacturing~~

~~Sign manufacturing—wood~~

~~Truss manufacturing—wood~~

~~Veneer products manufacturing~~

~~Wood chip, hog fuel, bark, bark flour, presto log and lath manufacturing~~

~~Wood products manufacturing or assembly N.O.C.~~

~~Sawmill operations are to be reported separately in classification 1002. Veneer manufacturing is to be reported separately in classification 2904~~

~~Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.))~~

2903-00 Wood chip, hog fuel, bark, bark flour, fire log and lath: Manufacturing

Applies to establishments engaged in the production of products such as, but not limited to, wood chips, hog fuel, bark, bark flour, fire logs, kindling, excelsior, particleboard, and similar wood by-products.

Wood chips are small pieces of wood, generally uniform in size and larger and coarser than sawdust, commonly used to make pulp, particleboard, stuffing for products such as animal bedding, and as smoker/barbecue fuel;

Hog fuel is made by grinding waste wood in a hog machine, is larger and coarser than wood chips, and is used to fire boilers or furnaces, often at the mill or plant at which the fuel was processed;

Bark is the outermost covering of a tree which is chopped into pieces of varying sizes, and is commonly used for landscaping;

Bark flour is finely ground bark used as a filler or extender in adhesives;

Fire logs are made by forming sawdust into a log about 15 inches long and are used for fuel;

Lath is a narrow strip of wood commonly used to support shingle, slate or tile roofing, and as a fencing material;

Excelsior is the curled shreds of wood used as a packing and stuffing material, or as a raw material in making various board products;

Particleboard is a panel made from discrete particles of wood which are mixed with resins and formed into a solid board under heat and pressure.

The degree of manual labor required to make these products varies depending upon the size of the operation and sophistication of the equipment. Raw materials include, but are not limited to, logs, mill waste, bark, sawdust, or chips. Machinery includes, but is not limited to, rip saws, cut-off saws, loaders, debarkers, hog chippers, hammer mills, conveyors, sorting screens, and storage bunkers. This is a shop or plant only classification; it includes work being performed

in an adjacent yard when operated by an employer having operations subject to this classification. The operation of portable chipping or debarking mills is included in this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-06 Wood furniture stock: Manufacturing

Applies to establishments engaged in the manufacture of wood furniture stock such as, but not limited to, tabletops, table or chair legs, chair backs or seats, panels for beds, turning squares (bolts of wood which are shaped on lathes into furniture legs) and furniture squares (standard sized - usually 2" x 2" -pieces of wood used in constructing frames of upholstered furniture). Stock may be mass produced or custom. Raw material includes dimensional lumber from hardwoods such as, but not limited to, ash or alder. If the lumber is not presurfaced, it is sanded and/or planed. It is cut to desired width and thickness with a rip saw; and cut to desired length with a cut-off saw. Pieces may be beveled with a table saw, bored with a horizontal boring machine, molded or shaped, and joints formed using a mortise, tenon or jointer. Finished stock is banded and/or palletized and usually shipped unfinished and unassembled to furniture manufacturing plants. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; manufacture of wood furniture and caskets which is to be reported separately in classification 2905; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-08 Wood door, jamb, window, sash, stair, molding and miscellaneous millwork: Manufacturing, prehanging or assembly

Applies to establishments engaged in the manufacture, prehanging or assembly of wooden doors, door components, jambs, windows, sashes, stairs, mantels, moldings, turnings, and miscellaneous millwork such as, but not limited to, shutters, door and window grilles, skylights, pillars, wainscot, and similar architectural ornaments. Doors manufactured in this classification may be for residential or commercial use, such as, but not limited to, garage, closet, warehouse, interior and exterior; they may be odd-size or standard, panel, solid, louver, hollow core, sliding, bi-fold and overhead. Component parts for stairs include, but are not limited to, risers, tread, balusters, hand rails, and newel posts. Fireplace mantels include both the shelf and the complete ornamental facing surrounding the firebox. Moldings include, but are not limited to, picture moldings, chair rails, quarter round, coves, and architectural molding and base. Raw materials include,

but are not limited to, cut stock lumber, plywood, veneer, particleboard, cardboard, plastic laminates, glue, hardware, glass, and metal. Cutting and fitting of glass and metal components for doors and windows is an integral phase of the manufacturing process and is included within the scope of this classification. Machinery includes, but is not limited to, various types of saws(table, panel, rip, cut-off, radial arm, trim, circular, band, jig, and miter), molders, shapers, routers, planers, finger jointers, mortises, tenons, lathes, presses, various types of sanders, drill presses, hand drills, boring machines, pneumatic nail, screw and staple guns, spray guns, chisels, air compressors, glue spreaders, drying ovens, overhead vacuum lifts, conveyor systems, fork lifts, and pallet jacks. Some door manufacturers have "door machines" which route impressions in jambs and blanks for hinge placement, and bores holes in the blank for knobs and locks; some have computerized overhead vacuum lights, electronic gluers, hydraulic lift pits, or electronically controlled saws. Prehanging doors involves boring holes in door blanks for knobs and locks, routing impressions into the blanks and jambs for hinge replacement, mounting hinges, trimming door and jamb replacements to exact size. Finishing the products with stain, paint, oil, or lacquer is included in this classification when done by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops, and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; the manufacture of metal doors, jambs, windows, and sashes which is to be reported separately in classification 3404; and sawmill operations which are to be reported separately in classification 1002.

Special note: Lumber yards and building materials centers subject to classification 2009 are to be assigned classification 2903-08 in addition to their basic classification if they prehang door blanks.

2903-10 Wood box, shook, pallet, bin: Manufacturing, assembly, or repair

Applies to establishments engaged in the manufacture, assembly, or repair of wood pallets, boxes, bins, shook, shipping crates, and storage containers. A shook is a set of unassembled sawn wood components for assembling a packing box or barrel. Shooks are usually sold to box assembly plants. Pallets may be constructed out of vertical and horizontal runners of dimensional lumber to form a slatted pallet or by attaching three evenly spaced rows of wooden blocks between two sheets of solid plywood to form a lid-block pallet. Usually, the manufacturer subject to this classification picks up pallets, boxes or shipping crates from the customer, brings them to the plant for repair, reconditioning, or rebuilding, then returns them to the customer. However, the *assem-*

bly or repair of bins is often done at the customer's location, which is still to be reported in classification 2903-10 when performed by employees of the bin manufacturer. Raw materials include, but are not limited to, dimensional lumber, plywood, nails, staples, screws, glue, and paint. Machinery includes, but is not limited to, a variety of saws (table, rip, radial arms, cut-off, band or trim), planers, molders, drills, boring machines, notchers, nailing machines, pneumatic stapler, screw and nail guns, conveyors, roll cases, sorting tables, pallet jacks, and fork lifts. Incoming lumber is cut to specified lengths, widths, and thicknesses with saws, then planed, bored, tongued, and grooved. Pieces are nailed, stapled or glued together to form finished products. Cut ends of pallets, bins, and boxes may be painted for design or for color identification purposes. Customer's name may be imprinted on the product using stencils and paint or wood burning tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant (except bin assembly at a customer's location) which are to be reported separately in the classification applicable to the work being performed; pallet dealers which are to be reported separately in classification 1103; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

Special note: Classification 1103 for pallet dealers does not include the repair or assembly of pallets. Any assembly or repair of pallets is to be reported in classification 2903-10.

2903-12 Wood products, N.O.C.: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of miscellaneous wood products which are not covered by another classification (N.O.C.), including, but not limited to, ladders, utility pole crossarms, beams, barricades, cable spools, slugs or ends for paper rolls, attic vents, prefabricated wall panels, gazebos, saunas, solariums, lattice panels, mall and park furnishings, playground equipment, docks and floats, parade floats, boat trailer bunks, cattle feeders, tree spreaders, tack strip, exhibit booths, weaving looms, and pottery wheels. Finishing of the product with stains or other lacquers is included in this classification when done by employees of employers subject to this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, particleboard, lath, logs, glue, staples, screws, nails, stains, paints, oils, and lacquers. Operations require substantial amounts of machine work, as well as hand assembly. Machinery includes, but is not limited to, saws (table, panel, cut-off, band, jig, miter, or chain), sanders, planers, routers, shapers, molders, jointers, drill presses, boring machines, hydraulic presses, pneumatic nail, screw and staple guns. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manu-

facture of wood household and sporting goods which is to be reported separately in classification 2909; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; lumber remanufacturing which is to be reported separately in classification 2903-26; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

2903-13 Veneer products: Manufacturing

Applies to establishments engaged in the manufacture of veneer products by laminating rough veneer to plywood or particleboard and applying plastic or polyester overlays. Laminated veneer sheets are generally sold to other manufacturers and used in the construction of items such as, but not limited to, cabinets, countertops, furniture, wall board, flooring, and shelving. Veneer products generally require no pre-finishing with paint, stain or lacquer. Raw materials include, but are not limited to, plywood, particleboard, polyester, paper, polyethylene, fiberglass, plastic laminates and glue. To make veneer products, sheets of rough veneer are individually fed through glue spreader machines which apply glue to both sides. Veneer sheets may be laminated to other veneer or to plywood or particleboard, cut to size with saws, then plastic or polyester overlays applied. Laminated sheets are fed through either hydraulic cold or hot presses to be bonded and cured. More sophisticated presses automatically feed the sheets through, and shear the laminated panels to standard 4' x 8' or 4' x 10' dimensions, or to specified lengths and widths for custom orders. Forklifts are used to move materials. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of household and sporting goods wooden ware which is to be reported separately in classification 2909; the manufacture of wood products not covered by another classification (N.O.C.) which is to be reported separately in classification 2903-12; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of wood cabinets, countertops and fixtures which is to be reported separately in classification 2907; the manufacture of rough veneer which is to be reported separately in classification 2904-00; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

2903-20 Wood sign: Manufacturing

Applies to establishments engaged in the manufacture of interior or exterior signs made of wood or wood products. Raw materials include, but are not limited to, dimensional lumber, plywood, molding, acrylic, paint, stain, lacquer and hardware. When additional sizing is required, saws, such as table, panel, cut-off, or radial arm, are used to cut material to desired dimensions. Pieces may be further sized, shaped, and smoothed with routers, saws, planers, or sanders. Stain,

paint, or other finishes may be applied as background colors, borders or designs, with pneumatic spray guns, airbrushes, or by hand. Lettering or designs can be painted directly on the sign, cut from separate stock and glued or screwed on, or carved, routed or sandblasted. Computer-cut vinyl lettering may also be applied. Sign painting and lettering is included in this classification when done by employees of the sign manufacturer. Hand drills or drill presses are used to mount wood lettering or designs, bore holes and attach hardware used in the subsequent installation of the sign. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the installation or removal of signs outside of buildings which is to be reported separately in classification 0403; the installation or removal of signs inside of buildings which is to be reported separately in classification 0513; sign painting or lettering on the inside of buildings which is to be reported separately in classification 4109; establishments that paint on or apply lettering to sign "backings" that are manufactured by others which is to be reported separately in classification 4109; the manufacture of metal or plastic signs which is to be reported separately in the classification applicable to the manufacturing process; and sawmill operations which are to be reported separately in classification 1002.

Special note: The majority of sign manufacturers also install their signs. Installation and removal of signs is to be reported separately.

2903-21 Wood truss: Manufacturing

Applies to establishments engaged in the manufacture of structural roof trusses, and/or ceiling and floor joists from wood or wood products. These products usually do not require a high degree of finishing work. Raw materials include, but are not limited to, dimensional lumber (usually 2" x 4", 2" x 6", and 2" x 8", which is kiln dried, machine stressed, and presurfaced), plywood, metal gussets, and hardware. Dimensional lumber is cut with gang, table, resaw, or radial arm saws. Cut stock is placed in a hydraulic jig assembly which holds the unassembled components in the properly aligned configuration. Pneumatic nailers are used to embed the nail clips which connect each joint of the truss. A gantry, which is an overhead crane traveling along a bridge-like frame, is used to relocate the truss along the assembly line. The assembled truss is placed in a stationary or moveable press which attaches reinforcing triangular shaped metal plates called gussets at each joint or angle. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all installation activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of door jambs, windows, sashes, stairs, molding and miscellaneous millwork which is to be reported separately in classification 2903-08; lumber remanufacturing which is to be reported separately in classification 2903-26; and sawmill operations which are to be reported separately in classification 1002.

Special note: Truss manufacturers, whose primary customers are building contractors and building supply dealers, usually deliver their product. Delivery to the construction site often entails placing trusses onto the roof top, using boom lifts mounted on the delivery truck, which is included in this classification when performed by employees of employers subject to this classification.

2903-26 Lumber: Remanufacturing

Applies to establishments engaged in lumber remanufacturing, which is the process of converting cants, plywood, or lumber into a more specialized or higher grade product. Cants are large slabs of wood, usually having one or more rounded edges, which have been cut from logs. The incoming stock is generally green, rough-cut, and may be owned by the customer or by the remanufacturer. Machinery includes, but is not limited to, a variety of saws, (chop, resaw, trim, rip, table, radial arm, and cut-off), planers, surfacers, sanders, molders, groovers, finger jointers, tenoners, gluers, kiln dryers, fork lifts, and trolley cars. Stock is kiln dried, re-sawed, planed, grooved, or otherwise treated, according to customer specification if the customer owns it, or to standard cuts if it is for resale. Remanufacturers sell lumber to construction contractors or manufacturers that use it in the construction of products such as, but not limited to, paneling, countertops, framing studs, siding, decking, fencing, railroad ties, or molding. Remanufacturers generally do not finish the material with stain, paint, or lacquer. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; the manufacture of roof trusses and ceiling and floor joists which is to be reported separately in classification 2903-21; veneer manufacturing which is to be reported separately in classification 2904; establishments that exclusively kiln dry and/or treat lumber with preservatives, fire retardants, or insecticides, and that do not perform any remanufacturing operations which are to be reported separately in classification 1003; and sawmill operations which are to be reported separately in classification 1002.

2903-27 Ridge cap and/or shim: Manufacturing

Applies to establishments engaged in the production of shims and ridge caps. Shims are thin wedges of wood used for filling spaces or leveling. Ridge caps are shingles which are used as a covering for roof peaks. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

Special note: This classification must be assigned only by Classification Services after a field inspection of

the business has been performed. If a classification must be assigned prior to the field inspection, assign classification 1005-02.

2903-28 Wood boat: Manufacturing, repair, or refinish

Applies to establishments engaged in manufacturing, repairing, or refinishing wooden boats. Raw materials include, but are not limited to, dimensional lumber, plywood, glue, staples, screws, nails, stains, paints, oils, and lacquers. Machinery includes, but is not limited to, band saws, lathes, drill presses, jointers, planers and sanders. Other than pleasure craft, very few wooden boats have been manufactured over the last 50 years. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the manufacture of fiberglass boats which is to be reported separately in classification 3511, and the manufacture of metal boats which is to be reported separately in the classification applicable to the materials used and work being performed.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-569 Classification 2904.

((Plywood manufacturing

Veneer, commercial production

This classification includes all types of veneer production.))

2904-00 Veneer: Commercial production

Applies to establishments engaged in all types of commercial production of rough veneer. Veneer is a thin layer of material, usually made of wood or plastic, which is used to cover the surface of another material. In most instances, finished veneer will have a superior appearance or quality than the surface it covers. Rough veneer made of wood generally involves sawing logs, bolts (lengthwise strips), or blocks, softening them in vats of hot water or steam rooms to remove the bark and make the fiber pliable for cutting or turning. The pieces are further shaped by turning, slicing or sawing, cutting the single-ply veneer sheets to various sizes of length and thickness, then drying them in kilns. Rough veneer manufactured in this classification is generally sold to manufacturers of veneer products made by laminating rough veneer to plywood or particleboard. Machinery includes, but is not limited to, band saws, table saws, stationary knife machines, rotary lathes, conveyor systems, kilns, forklifts.

This classification excludes sawmill operations which are to be reported separately in classification 1002; the manufacture of plywood which is to be reported separately in classification 2904-01; the manufacture of veneer products which is to be reported separately in classification 2903; and the manufacture of other products made from wood or plastic which are to be reported separately in the classification applicable to the work being performed. The production of veneer by employees of employers engaged in the manufacture of other products is to be included in the classification covering the manufacture of those products.

2904-01 Plywood: Manufacturing

Applies to establishments engaged in the manufacture of plywood. Plywood is a structural material made of layers of wood (veneer) glued tightly together, usually with the grains of adjoining layers at right angles to each other. (In this application the word "ply" means one of the sheets of veneer.) The production of veneer is included in the scope of this classification when done by employees of employers engaged in the manufacture of plywood. To form plywood, it may be necessary to join less-than-full-size sheets of veneer into full-size sheets. In the joining process, veneer jointers, taping machines, tapeless splicers, or other methods of joining veneer, such as stringing and stitching are used. Next, a glue spreader coats the cross banding and core veneers (front and back) with liquid glue. Once glued, the veneer is conveyed to a hot press that bonds the veneers into plywood. The panels are removed from the presses, placed in a storage pile (referred to as a "hot stack") to cool and cure, then trimmed, sanded, and stacked for conditioning. Plywood may be impregnated with chemicals to develop wood-plastic combinations that are harder and denser than ordinary plywood. After they are inspected and graded according to thickness and quality, plywood panels are moved by forklift to the warehouse portion of the plant where they are stacked in tiers which are separated by a piece of lumber to prevent sagging or distortion. Pieces are bundled with metal straps, either manually or with automatic strapping equipment.

This classification excludes sawmill operations which are to be reported separately in classification 1002; establishments that manufacture rough veneer as a product which are to be reported separately in classification 2904-00; and the manufacture of other products made from wood or plastic which are to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-56901 Classification 2905.

((Furniture and casket manufacturing or assembly—wood

Furniture refinishing including repair—wood

Furniture refinishing with no repair work is to be reported separately in classification 3603

Physically separated upholstery departments of firms engaged in furniture or casket manufacturing, assembly or finishing may be reported separately in classification 3808, provided that the conditions set forth in WAC 296-17-410 have been met

Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.))

2905-00 Wood furniture and casket: Manufacturing, assembling, or repairing; Furniture refinishing

Applies to establishments primarily engaged in manufacturing, assembling or repairing furniture or caskets made of wood. Products may be custom-made or stock, for resi-

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dential or commercial use. This classification includes establishments that repair and refinish wood furniture that is new, used, antique, or furniture with factory defects or damages from shipping. Furniture includes, but is not limited to, sofas, love seats, chairs, tables, beds, dressers, chests, stools, hutches, pool tables, credenzas, desks, bookcases, pews, altars, pulpits, baptisteries, and benches. Materials include, but are not limited to, dimensional lumber, furniture stock, plywood, veneer, particleboard, plastic laminates, polyfoam, upholstery materials (fabric, stuffing, cardboard, metal springs), hardware, glue, paint, stain, oils or lacquer. Machinery includes, but is not limited to, various types of saws (table, panel, rip, cut-off, radial arm, trim, circular, band, jig and miter), molders, shapers, routers, jointers, mortises, tenons, lathes, planers, various types of sanders, drill presses, hand drills, boring machines, pneumatic nail, screw and staple guns, spray guns, air compressors, glue spreaders, dust collectors, drying ovens, sewing machines, steam irons, fork lifts, and pallet jacks. Operations range from processing rough or surfaced lumber, plywood or fiberboard, to the assembly of frame parts into finished products. For classification purposes, repair includes fabricating replacement parts, reinforcing structural weak points, disassembling, regluing and reassembling, recaning chairs, and similar activities, and refinishing includes stripping, sanding, filling, priming, and finishing with stain, oil, paint, or lacquer. Manufacturers in this classification may upholster their furniture, sell it unfinished, or finish it with various lacquers by spraying, dipping, or applying by hand. To make caskets, wood is cut to size, planed, and sanded. Sections are joined to form the shell, finished with lacquer, oil, or stain, and hardware added. Interior upholstery is usually stapled in place; exterior upholstery is usually glued on. This classification also contemplates the assembly of caskets from purchased components. Manufacturers of wood caskets often purchase ready-made fiberglass or metal casket shells, refinish them if necessary, mount the hardware, and upholster them. This is considered incidental to the main operation and is included in this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Physically separated upholstery departments of establishments engaged in furniture or casket manufacturing, assembly, or finishing may be reported separately in classification 3808 provided that the conditions of the general reporting rules covering the division of employee hours have been met.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; establishments engaged in stripping and refinishing furniture, but do not otherwise repair it, which are to be reported separately in classification 3603; establishments engaged in the manufacture of wood cabinets, countertops or fixtures which are to be reported separately in classification 2907; and establishments engaged in the manufacture of furniture or caskets from metal or plastic which are to be reported separately in the classification applicable to the work being performed.

Special note: Establishments primarily engaged in the manufacture of furniture or caskets may make other wood

products such as cabinets, countertops and fixtures as an incidental activity. The incidental manufacture of these products can be included within the scope of this classification. Furniture is generally moveable and unsecured. Fixtures are usually secured, stationary, or permanently built-in objects. Even though some fixtures may not be secured to a wall or floor, they are not intended to be relocated, unlike furniture which is frequently and more easily arranged.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-570 Classification 2906.

((Pattern or model manufacturing, metal, plastic or wood Piano or musical instrument manufacturing, not metal-))

2906-01 Pattern or model - metal, plastic or wood: Manufacturing

Applies to establishments engaged in making metal, plastic, or wood patterns or models. Patterns or models produced may include industrial, aircraft, foundry, architectural scale and mechanical models. Use of this classification is limited to the fabrication of individual or prototype pieces. Work contemplated is limited to fabricating the pattern or model using woodworking and metal cutting tools, sanding and filling voids with fillers (wood or plastic); and extensive hand finishing of all these mediums when performed by employees of an employer subject to this classification.

This classification excludes pattern or model making by other manufacturers unless specifically allowed for in the manufacturing classification, and establishments engaged in the manufacture of plastic or wood model kits (assembly of a scale model of a car, boat, or plane) which is to be reported separately in the applicable classification.

2906-14 Wood piano or musical instrument: Manufacturing

Applies to establishments engaged in the manufacture of wood musical instruments including, but not limited to, pianos, organs, violins, harps, and guitars. Work contemplated by this classification includes various phases of woodworking techniques required to manufacture cases, sounding boards, pedals and action boards, metal working techniques required to produce components such as pipes, frames, switches, magnets, wind reservoirs and blower systems, and incidental tanning of skins for drums and banjos when done by employees of an employer having operations subject to this classification. This classification applies whether the company is producing all component parts or assembling a wooden musical instrument from purchased parts. This classification includes the reconditioning and subsequent sale of reconditioned pianos, organs, and wooden musical instruments.

This classification excludes the manufacture of metal musical instruments which is to be reported separately in classification 3404; tuning or repair of pianos which is to be reported separately in classification 4107; and the sale of new piano and organs or wooden musical instruments which is to be reported separately in classification 6306 or 6406 as applicable.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-57001 Classification 2907.

~~((Cabinet, countertop, and fixture: Manufacturing, modifying or assembly—wood~~

~~Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.))~~

2907-00 Wood cabinet, countertop, and fixture: Manufacturing, modifying or assembly

Applies to establishments engaged in the manufacture, modification, or assembly of wood cabinets, countertops, and fixtures. Cabinetry work contemplated by this classification includes, but is not limited to, manufacturing custom or modular cabinets, assembling prefabricated modular cabinet components, refacing existing cabinets and replacing hardware, and modifying the dimension or design of modular cabinets. Manufacturing countertops includes fabricating the core or sub top in addition to laying the plastic laminate, polyester overlay or tile when performed in the shop by employees of employers subject to this classification. Finishing may be subcontracted out to a prefinish contractor or performed by the general or specialty construction contractor at the job site; however, finish work is included in classification 2907-00 when performed by employees of an employer subject to this classification. Fixture manufacturing includes built-in store, office, restaurant, bank and residential fixtures such as, but not limited to, showcases, display cases, end aisles, display pedestals, shelving, partitions, racks, closet organizers, bookshelves, work stations, credenzas, podiums, wall units, china hutches, entertainment centers, cashier cubicles, check-out counters, and curio cabinets. The wiring of fixtures for electrical fittings, and the cutting and fitting of plastic laminates, glass, mirrors, or metal trim, when performed in the shop, is included as an integral function of the manufacturing process encompassed within this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, veneer, particleboard, plastic laminates, polyester overlays, sheet rock, slot wall dowels, hardware, mirrors, metal trim, electrical hardware, carpet, upholstery fabric, stain, paint, lacquer or glue. Machinery includes, but is not limited to, table, panel, radial arm, cut-off, chop, rip, band, and miter saws, wide belt sanders, edge sanders, hand finish jointers, mortises, tenoners, drill presses, hand drills, boring machines, edge banders, dowel machines, glue spreaders, face framing machines, pneumatic nail, screw and staple guns, air compressors, spray guns, forklifts, pallet jackets, and dust collectors. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Lumber yards, building material dealers, or general construction contractors that maintain a separate woodworking shop for manufacturing, assembling cabinets, and fixtures are subject to this classification for the woodworking operations, in addition to any other basic classification applicable to their business.

This classification excludes the installation of cabinets, countertops, and fixtures which is to be reported separately in classification 0513; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of metal cabinets which is to be reported separately in classification 3404; lumber remanufacturing which is to be reported separately in classification 2903; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

Special note: Establishments primarily engaged in the manufacture of cabinets, countertops and fixtures, may make other wood products such as doors, windows, moldings, and/or furniture as an incidental activity to the main business. The manufacture of these incidental products is included within the scope of classification 2907-00. Furniture is generally moveable and unsecured. Fixtures are usually secured, stationary, permanently built-in objects. Even though some fixtures may be secured to a wall or floor, they are not intended to be relocated, unlike furniture which is frequently and more easily arranged.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-57002 Classification 2908.

~~((Truck canopy: Manufacturing metal or wood—shop only
Housing—residential type: Factory built—shop only
Mobile homes, campers and travel trailers: Manufacturing—shop only~~

~~This classification excludes fiberglass canopy manufacturing which is to be reported separately in classification 3511.))~~

2908-00 Factory built housing: Manufacturing or assembly

Applies to establishments engaged in the assembly line production of factory built (manufactured) housing such as wood prefab and modular homes, log home kits, mobile homes and prefab cedar homes when manufactured at a shop or adjacent yard. Sections vary in size up to 80 feet long and 28 or more feet wide. Manufactured homes are built on an assembly line with materials such as plywood, rolls of aluminum, steel I beams, insulation, electric wire, particleboard, lumber, pipes, plumbing fixtures, electrical fixtures, appliances, carpeting, paint and hardware. Assembly may be single line or on a side by side line. After the chassis is built, it is placed on a conveyor where workers lay joists and heating and plumbing lines. Floors are then installed, interior walls are raised and cabinets are installed. Preassembled exterior walls are fastened, the roof is placed, covered, and tie down straps are attached. These homes may be sided with aluminum, vinyl, hardwood fiberboard or natural wood. While the chassis and some other steel parts are welded, the majority of the work is performed with stamping and forming equipment, hand and air tools, joiners, jig clamps, planers, hoists, forklifts and rail conveyors. Other parts may be nailed, riveted, stapled or glued. Furniture and blinds or curtains may then be installed and specialty items such as fireplaces may be added. Units are inspected, then moved to the yard until sold or

delivered. Individual work stations may include a mill room, cabinet mill room, sheet metal department or paint and finish departments. Some plants may also have sewing departments where they make curtains, blinds and drapes. This classification includes transporting of the factory built home to the customer's site or a dealer's sales lot when performed by employees of an employer subject to this classification, but excludes set up which is to be reported separately in classification 0517.

This classification excludes establishments engaged in the manufacture of campers and travel trailers which are to be reported separately in classification 2908-02; establishments engaged exclusively in the manufacture of truck canopies which are to be reported separately in classification 2908-03; establishments engaged in the manufacture of fiberglass canopies which are to be reported separately in classification 3511; and delivery and set up performed by an independent contractor which is to be reported separately in classification 0517.

2908-02 Campers and travel trailers: Manufacturing

Applies to establishments engaged in the manufacture of factory built campers or travel trailers which are generally not more than 35 feet long and 8 feet wide. This process includes cutting steel I-beams, placing them on a jig and welding the pieces together. Hitches, running gear, and side frames are installed. Subflooring is assembled on a jig and fastened with lag bolts to the frame. Shears, stamping equipment, drill presses and jig clamps are used to perform the work as the pieces are moved by conveyor. Interior and exterior metal panels and trim are spray painted in spray booths or dipped in tanks, using enamel and then hardened by using drying ovens or heat lamps. All electrical wiring, flooring, carpets, heating units, and plumbing fixtures are installed with the use of electrical hand tools, pneumatic wrenches, staplers, and air compressors. Partition walls are then nailed in place with nail guns. Side walls are framed up on a jig and placed on the trailer. Afterwards, the ceiling is nailed in place and the insulation and cabinets are put in place. Sheet metal sides are stapled on and the top is installed. All systems are checked and the trailer or camper is delivered to the distributor's lot. The process of manufacturing a camper is similar except there are no frame rails, axles or hitch involved as a camper has no chassis. Campers are mounted on pickup trucks; travel trailers are fitted with a hitch for towing behind a motor vehicle.

This classification excludes establishments engaged in the manufacture of factory built housing which are to be reported separately in classification 2908-00; establishments engaged in the manufacture of truck canopies which are to be reported separately in classification 2908-03; establishments engaged in fiberglass canopy manufacturing which are to be reported separately in classification 3511; and camper and travel trailer rental/sales agencies which are to be reported separately in classification 3411.

2908-03 Wood or metal truck canopy: Manufacturing

Applies to establishments engaged in the manufacture of wood or metal truck canopies. After the framework is assembled, insulation is cut to size and inserted, electrical wiring is strung, exterior aluminum sheeting or "skin" is cut to size and attached, interior paneling and decorative trim is fitted, doors

and windows are installed and electrical clearance lights are attached. Machinery includes, but is not limited to, saws, electrical hand tools, metal cutting and welding equipment, shears, stamping equipment, drill presses, jig clamps, spray booths, pneumatic wrenches, staple and nail guns, air compressors and miscellaneous hand tools. Direct sales to retail consumers or to wholesale dealers by a canopy manufacturer are included in this classification.

This classification excludes dealers who sell and/or install canopies who are reported separately in classification 1106; establishments engaged in the manufacture of campers and travel trailers which are to be reported separately in classification 2908-02; establishments engaged in the manufacture of factory built housing which are to be reported in classification 2908-00; and establishments engaged in the manufacture of fiberglass canopies which are to be reported separately in classification 3511.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-57003 Classification 2909.

((Woodenware: Household and sporting goods manufacturing or assembly, N.O.C.

This classification excludes wood products manufacturing or assembly which are to be reported separately as applicable in classifications 2903, 2905, and 2907

Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.))

2909-00 Woodenware - household and sporting goods N.O.C.: Manufacturing or assembly

Applies to establishments engaged in light woodworking, not covered by another classification (N.O.C.), for the manufacture of woodenware household goods, sporting goods and a wide range of decorative woodenware items that require a minimal amount of cutting, shaping, drilling, sanding, assembling and finishing. Items produced in this classification include, but are not limited to, towel bars, tissue holders, magazine racks, spice racks, knife holders, recipe boxes, cutting boards, rolling pins, salad forks, bowls, picture and mirror frames, candle holders, speaker shells, bases for turntables, trophy and plaque bases, house numbers, window blinds and shades, drapery woodenware (rods, brackets, supports, rings), broom and brush handles, bobbins and spools, crutches, hat blocks, pegs, coat hangers, toothpicks, gift boxes, tobacco pipes, toys, games, basketball backboards, baseball bats, boomerangs, pool or shuffleboard cues, hockey sticks, oars, paddles, archery bows and arrow shafts. Establishments in this classification generally purchase ready-made components which they assemble with pneumatic or hand tools such as, but not limited to, nail or glue guns, spray or paint guns, staple guns, screw guns, drills, shaping tools, and brushes. Products may be left natural, or finished by applying paint, stain, lacquer or varnish, or hand dipping or rubbing. A limited assortment of basic wood shop machinery

such as, but not limited to, table saws, circular saws, band saws, miter saws, jig saws, routers, shapers, belt sanders, edge sanders, drill presses, boring machines, and finger jointer may be used for the occasionally cutting of a piece of wood. Other materials include, but are not limited to, molding stock, dowels, plywood, glue, staples, screws, and small nails. In most cases, products are small and the manufacturers do not provide installation. This is a shop or plant only classification. It does, however, include work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant which are to be reported separately in the classification applicable to the work being performed; and the manufacture or assembly of wood products such as, but not limited to, molding stock, outdoor playground equipment, marine floats and docks, gazebos, solariums, saunas, ladders, or cable spools from dimension lumber which is to be reported separately in the applicable classifications.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-571 Classification 3101.

~~((Ready mix concrete dealers~~

~~This classification includes the sale of tools, equipment and incidental building materials such as bricks and concrete blocks.))~~

3101-05 Ready mix concrete dealers

Applies to establishments engaged in the mixing and delivery of ready mix concrete for all types of residential and commercial projects such as, but not limited to, foundations, walls, slabs, roadways, driveways, walkways, dams, bridges and swimming pools. Usually, these establishments operate a plant location with a supply of sand, gravel, pebbles, broken stones or slag, and various ingredients to produce bonding adhesives such as cement. The concrete is premixed at the plant location and loaded into a delivery truck, or the raw unmixed ingredients such as cement, sand, gravel, pebbles, broken stones and water are loaded into a concrete truck and mixed in a revolving or rotating drum in transit to the project site. The concrete is discharged from the drum with use of a metal shoot or is transferred into the bed of a concrete pump truck for pumping. This classification includes ready mix dealers who operate concrete ready mix trucks and/or concrete pump trucks as part of the delivery service. This classification also includes the related sale of tools, equipment, and building materials such as bricks or concrete blocks, and pit and crusher operations provided all sand and gravel produced is used by the dealer to manufacture concrete mix.

This classification excludes establishments engaged in the commercial production and/or digging of sand, gravel or stone not in connection with a ready mix dealer which is to be reported separately in classification 0112, and concrete pump truck services not in connection with a ready mix dealer which is to be reported separately in classification 3506.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-572 Classification 3102.

~~((Rock wool insulation: Manufacturing—digging or quarrying to be reported separately in the applicable classification.))~~

3102-04 Rock wool insulation: Manufacturing

Applies to establishments engaged in the manufacture of mineral wool insulation from siliceous materials such as, but not limited to, rock, slag, and glass, or combinations thereof. In a special furnace, hot air or steam is blown through molten rock or slag, shredding the material into a mass of fine intertwined fibers to form the wool. To produce fiberglass insulation material, molten glass is drawn at high speeds through orifices, then subjected to jets of high pressure steam which break the glass filaments into fine fibers. The final product, regardless of raw material, may be shipped in granules which are bagged, or formed into flat sheets, cut to size, enclosed in paper or foil, and packaged. Incidental rock, slag, and glass crushing operations are contemplated by this classification.

This classification excludes the digging or quarrying of raw materials which is to be reported separately in the classification appropriate to the work being performed, and the manufacture of asbestos products which is to be reported separately in classification 3104.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-573 Classification 3103.

~~((Cement manufacturing, lime manufacturing
Lightweight aggregate building or insulation material manufacturing~~

~~Perlite, pozzolan, magnesite or expanded shale aggregate manufacturing~~

~~This classification excludes digging or quarrying which is to be reported separately in the applicable classification.))~~

3103-01 Cement or lime: Manufacturing

Applies to establishments engaged in the manufacture of cement or lime. Cement is a mixture of various granulated raw materials which may include limestone, shale, clay, slate, alumina, silica sand, iron ore and gypsum. The manufacturing process involves crushing and grinding the raw materials into a powder state. Materials are then blended with water to create a slurry, then kiln burned at high temperatures which chemically changes the mixture. This mixture is then combined with gypsum and ground into the final product. Cement may be sold as is or mixed with water and coarse aggregate to make concrete. Lime production involves a similar process using crushing and blending machinery and large kilns. Cement and lime manufacturers may own a limestone quarry as it is the major component of both products.

This classification excludes the quarrying of raw material which is to be reported separately in classification 1704; ready mix concrete dealers who are to be reported separately in classification 3101; and the manufacturing of concrete products which is to be reported separately in classification 3105.

3103-02 Lightweight aggregate building or insulation material: Manufacturing

Applies to establishments engaged in the manufacture of lightweight aggregate building material or insulation material. Types of products covered by this classification include, but are not be limited to, vermiculite, perlite, pozzolan, magnesite, expanded shale aggregate and fiberglass. The manufacturing process contemplates crushing of raw materials and blending and heating of materials in large furnaces.

This classification excludes the quarrying of raw material which is to be reported separately in classification 1704, and the manufacture of fiberglass products which is to be reported separately in the appropriate manufacturing classification.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-574 Classification 3104.

((Plaster mills and whiting manufacturing, quarrying to be separately rated

Talc mills and emery works

Asbestos products manufacturing, including spinning or weaving, mica goods manufacturing

Soapstone or soapstone products manufacturing, marble cutting and polishing, slate milling

Stone cutting or polishing, N.O.C., away from quarry

Plasterboard or plaster block manufacturing

Coating of building materials, N.O.C.—shop operations

Monument dealers who do stonecutting, engraving or sandblasting:))

3104-08 Plaster, whiting, talc, emery powder: Manufacturing

Applies to establishments engaged in the manufacture of plaster, whiting, talc or emery powder. Plaster is a mixture of lime, sand, water, and may include hair or other fibers, that hardens to a smooth solid and is used for coating walls and ceilings. Plaster can also be manufactured in dry form and sold in bags. Whiting is a pure white grade of chalk that has been ground and washed for use in paints, ink, and as an extender in pigments, putty or whitewash. Talc is a fine-grained white, greenish, or gray mineral with a soft soapy texture, which is used in the manufacture of talcum and face powder, as a paper coating, and as a filler for paint and plastics. Emery is a fine-grained mineral used for grinding and polishing. This classification is for the production of the powders only. Machinery includes, but is not limited to, crushing, mixing, grinding, milling and washing and cooking machinery, conveyors and forklifts.

This classification excludes establishments engaged in the manufacture of plaster statuary or ornaments which are to be reported separately in classification 3509; establishments engaged in the manufacture of plasterboard or plaster block which are to be reported separately in classification 3104-55; interior and exterior plastering and stucco work which is to be reported separately in classification 0303; and quarrying operations which are to be reported separately in classification 1704.

3104-52 Asbestos products or mica goods: Manufacturing

Applies to establishments engaged in the manufacture of asbestos products and mica goods. Asbestos products include, but are not limited to, fireproofing, electrical insulation, building materials, brake linings, clutch facings, valve packings, dryer felt, and chemical filters. Asbestos is a fibrous mineral form combined with impure magnesium silicate. Flake asbestos can be mixed, spun and woven into cloth; or the flakes can be used as an ingredient in the processing or treatment of paper. To make molded asbestos products, asbestos is mixed with other ingredients, molded, baked, cut to size, and ground. Mica is also a mineral form; it is split to desired thickness using hand knives or knives mounted on tables. The split mica is sent to punch presses which stamp out the various products usually used by the electrical trades. Mica that is too small to be processed on punch presses may be placed in burling machines, mixed with liquids, then pressed into sheets. Removal of imperfections is usually done by hand; the sheets are dried, baked in ovens and run through sanders prior to crating and shipping.

This classification excludes establishments engaged in the manufacture of plasterboard or plaster block which are to be reported separately in classification 3104-55; contractors engaged in the installation or removal of asbestos or mica products at the customer's site which are to be reported separately in the classification applicable to the phase of construction being performed; and quarrying operations which are to be reported separately in classification 1704.

3104-53 Soapstone or soapstone products: Manufacturing; marble cutting and polishing; slate milling; stone cutting or polishing, N.O.C.

Applies to establishments engaged in the manufacture of soapstone products, and the cutting, milling, and polishing of marble, slate, or stone such as grindstone, limestone, millstone and lithographic stone (usually sheet zinc), not covered by another classification (N.O.C.). Soapstone (also called steatite) is a massive white-to-green talc found in extensive mine beds and is used in products such as, but not limited to, insulation, paints, ceramics, decorative accessories, and ornamental objects. The manufacturing process requires turning, shaping, carving and polishing of the soapstone with a variety of milling equipment. Finished products of marble, slate or stone include, but are not limited to, decorative accessories, tops for furniture, countertops, floor tiles and other building materials. Machinery and materials include, but are not limited to, saws, milling machines, grinders and abrasives.

This classification excludes installation of tile, marble or slate building materials which is to be reported separately in the classification applicable to the phase of construction being performed and quarry operations which are to be reported separately in classification 1704.

3104-55 Plasterboard or plaster block: Manufacturing

Applies to establishments engaged in the manufacture of plasterboard (wallboard) or plaster block which are used as building materials. Raw materials include, but are not limited to, plaster, fiberboard, and rolls of paper. Plasterboard is made by bonding plaster to a thin rigid board or to layers of

PERMANENT

fiberboard or paper to form a flat board or a block. Product is dried in ovens, cut to size with slitters or other cutting machinery, and packed for shipment. This classification includes the mixing of the plaster when done by employees of employers subject to this classification.

This classification excludes establishments operating as plaster mills which are to be reported separately in classification 3104-08; interior and exterior plastering and stucco work which is to be reported separately in classification 0303; and quarrying operations which are to be reported separately in classification 1704.

3104-57 Coating of building materials, N.O.C.

Applies to establishments engaged in the coating of building materials, not covered by another classification (N.O.C.), with preservatives to keep them from decaying when placed into the ground. These materials include, but are not limited to, dimensional lumber, deck materials, fence posts, landscaping beams, and lattice work. The coating process may include immersing the lumber in vats of preservative, or cutting or drilling small holes into the lumber and applying preservatives that soak in. Machinery and materials include, but are not limited to, immersion vats, drills, brushes, or machines to drill holes and apply preservatives.

This classification excludes installation of these products which is to be reported separately in the classification applicable to the work being performed.

3104-58 Monument dealers

Applies to establishments engaged in selling monuments, statues, cornerstones, and grave markers to others. This classification includes the finish cutting, grinding, polishing, engraving, and sandblasting of the stone when done by employees of employers subject to this classification. Wholesale monument dealers generally receive split, rough cut stone from the mine or quarry. Materials such as granite and marble are cut to block size, and precast bronze markers may be attached to the stone. Some blocks are sold without further processing while others are finished with stone polishers and abrasives, then cut into monuments prior to shipment to retail monument dealers. Retail monument dealers may provide engraving, artwork, lettering, and dates, according to customer specifications, that is usually done with a sandblasting technique. This classification includes installation of monuments when performed by employees of the monument dealer.

This classification excludes installation of monuments by employees of cemeteries which is to be reported separately in classification 6202; contractors engaged in the installation of monuments which are to be reported separately in the classification applicable to the work being performed; and establishments engaged in providing specialized services, such as, but not limited to, sandblasting which are to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-575 Classification 3105.

~~((Concrete blocks, bricks, poles, piles, tile and beam manufacturing~~

~~Concrete sewer and irrigation pipes, concrete septic tanks and concrete products, N.O.C. manufacturing.))~~

3105-06 Concrete blocks, bricks, poles, piles, tiles and beams manufacturing

Applies to establishments engaged in the manufacture of concrete blocks, bricks, poles, tiles, and beams. Sand, gravel, cement, cinders, aggregates, mesh wire, rods, and, in some cases, plastics are received from others. Raw materials are mixed with water and fed into molds or forming machines. Heavy mesh wire or rods may be inserted into the molds for strength. The formed products are usually steam dried and placed in the yard for curing prior to shipping. This classification does not apply to the manufacture of these products when done by construction contractors at a construction site for use in the construction project.

This classification excludes the production of raw materials which is to be reported separately in the applicable mining, quarrying, or excavation classification; the installation or erection of products manufactured under this classification which is to be reported separately in the classification applicable to the work being performed; the manufacture of concrete sewer and irrigation pipes, septic tanks and concrete products not classified elsewhere which is to be reported separately in classification 3105-07; the manufacture of statuary and ornamental items from plaster or concrete which is to be reported separately in classification 3509; and the manufacture of brick or clay products which is to be reported separately in classification 3501.

Special note: This classification differs from classification 3509 "statuary or ornament manufacturing" in that products manufactured in classification 3105 are rough, do not require perfect finishes, and are generally for construction use; products manufactured in classification 3509 are for decorative purposes, are usually lighter weight, and have smoother or more perfect finishes than the concrete products manufactured in classification 3105.

3105-07 Concrete sewer and irrigation pipes, concrete septic tanks and concrete products, N.O.C. manufacturing

Applies to establishments engaged in the manufacture of concrete sewer and irrigation pipes, septic tanks and other concrete products not covered by another classification (N.O.C.), such as, but not limited to, panels, tubs, catch basin covers, chimney caps, columns, incinerators, manhole covers, pier footings, monuments, coffins, caskets, and burial vaults. Sand, gravel, cement, cinders, aggregates, mesh wire, rods, and, in some cases, plastics are received from others. Raw materials are mixed with water and fed into molds or forming machines. Heavy mesh wire or rods may be inserted into the molds for strength. The formed products are usually steam dried and placed in the yard for curing prior to shipping. The manufacture of concrete panels generally involves the cutting and welding of metal to form a frame to which

concrete fiberboard is attached. Additional steps may involve the application of an adhesive to the frame and the attachment of decorative material such as crushed rock, gravel, ceramic tile or brick. The fabrication of the metal framing is included within the scope of this classification when performed by employees of an employer engaged in manufacturing concrete panels. This classification does not apply to the manufacture of these products when done by construction contractors at a construction site for use in the construction project.

This classification excludes the production of raw materials which is to be reported separately in the applicable mining, quarrying, or excavation classification; the installation or erection of products manufactured under this classification which is to be reported separately in the applicable classification; the manufacture of concrete blocks, bricks, poles, piles, tiles and beams which is to be reported separately in classification 3105-06; the manufacture of statuary and ornamental items from plaster or concrete which is to be reported separately in classification 3509; and the manufacture of brick or clay products which is to be reported separately in classification 3501.

Special note: This classification differs from classification 3509 "statuary and ornament manufacturing" in that products manufactured in classification 3105 are rough, do not require perfect finishes, and are generally for construction use; products manufactured in classification 3509 are for decorative purposes, are usually lighter weight, and have smoother or more perfect finishes than the concrete products manufactured in classification 3105.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-57602 Classification 3303.

((Meat, fish and poultry dealers, retail

This classification is limited to employers engaged in selling fresh meats, fish and poultry over the counter, by the pound to a retail consumer and who maintain show cases displaying fresh cuts of meat, fish and poultry available for sale by the pound to such consumers

This classification excludes "custom meat cutting facilities" which are to be reported separately in classification 4302; and "wholesale meat dealers" which are to be reported separately in classification 3304.))

3303-07 Fish dealers - retail

Applies to establishments engaged in the retail sale of fresh fish and shellfish over the counter. Refrigerated show cases display the fresh fish available for sale by the pound. Retail fish dealers typically purchase a supply of fish and shellfish, such as finfish, bottomfish, shrimp, crabs, oysters and clams, from wholesale seafood processing, packing or repackaging dealers, and clean, cut, trim, portion, shuck, package, and weigh the products for consumer use. This classification includes the packaging of whole herring, minnow and anchovy which are used primarily as bait fish. The packaging operation involves placing whole fresh fish side by side on a tray which is then sealed in clear plastic, weighed and placed in cold storage until delivery. Bait may be sold

retail or wholesale. The incidental sale of items such as seasonings, spices, snack foods, and condiments is also included in this classification.

This classification excludes establishments engaged in fish processing, packing and repackaging operations on a wholesale or combined wholesale/retail basis which are to be reported separately in classification 3304; establishments engaged in the raising, harvesting and subsequent processing and packing of shellfish which are to be reported separately in the appropriate classifications; and establishments engaged in the cold storage or locker operations of products owned by others which are to be reported separately in classifications 4401 or 4404 as applicable.

3303-08 Meat and poultry dealers - retail

Applies to establishments engaged in the retail sale of fresh, frozen or cured meat and poultry over the counter. Refrigerated show cases display fresh meat and poultry for sale by the pound. Retail meat and poultry dealers typically purchase their supply of meat or poultry from wholesale dealers, and cut, trim, portion, package, weigh and label the products for consumer use. The incidental sale of items such as seasonings, spices, condiments, milk, and bread is also included in this classification. The retail meat and poultry market may be located in a single building, a grocery store, or other multi-purpose building, but independently owned and operated by the meat and poultry dealer.

This classification excludes custom meat cutting operations, including farm kill, which are to be reported separately in classification 4302; cold storage or locker operations which are to be reported separately in classifications 4401 or 4404 as applicable when conducted as a separate and distinct business; and wholesale or combined wholesale/retail meat, fish and poultry dealers who are to be reported separately in classification 3304.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-57603 Classification 3304.

((Fish processors, packers and repackers: Wholesale or combined wholesale/retail—excluding cold storage or locker operations when conducted as a separate and distinct business operation

Meat and/or poultry dealers: Wholesale or combined wholesale/retail—excluding slaughter or packing house operations which are to be reported separately in classification 4301; and cold storage or locker operations which are to be reported separately when conducted as a separate and distinct business operation.))

3304-00 Fish processors, packers and repackers - wholesale or combined wholesale/retail

Applies to establishments engaged in processing, packing, and repackaging fish such as salmon, cod, whitefish, halibut, tuna, and/or shellfish when conducted by a wholesale or combined wholesale/retail operation. Typically, fish will arrive at a port via a commercial fishing vessel. Before the load of fish is accepted the wholesaler will inspect the commercial fishing vessel's records to ensure that the fish were caught, handled and stored in accordance with all applicable

laws. The fish is then unloaded, identified, inspected for quality, weighed and stored in a refrigerated area or a freezer to await further disposition. Fish are processed, packed and repackaged as requested by the customers. Processing may include, but is not limited to, cutting, filleting, cooking, and/or canning. The fish may be sold to fish and meat markets, supermarkets, grocery stores, restaurants, or other wholesale dealers. This classification includes fishing activities that are not covered by another classification (N.O.C.) and the harvesting, planting or packaging of aquatic plants obtained from natural areas where the husbandry of the resource is not an integral part of the operation.

This classification excludes establishments engaged in the cold storage or locker operations of products owned by others which are to be reported separately in classifications 4401 or 4404 as applicable; establishments engaged in the raising, harvesting and subsequent processing and packing of shellfish which are to be reported separately in the appropriate classifications; and establishments engaged exclusively in retail fish activities, or the packaging of whole minnow, herring, or anchovy (not processed), which are to be reported separately in classification 3303.

3304-01 Meat and/or poultry dealers - wholesale or combined wholesale/retail

Applies to establishments engaged in the wholesale or combined wholesale/retail distribution of fresh, frozen, cured, or smoked meat or poultry. Wholesale dealers generally purchase meat (whole, half, or quarter carcasses) from slaughterhouses, and poultry from poultry processing plants. The meat or poultry is cut into steaks, chops, roasts, fillets or poultry parts, for sale to commercial or institutional customers such as restaurants, hotels, grocery stores, meat and poultry markets, hospitals, and prisons. Wholesale dealers typically do not have display cases for the meat or poultry and receive orders by telephone or by mail. This classification includes the processing and butchering of poultry.

This classification excludes meat products manufacturing, canning or dehydrating, and packing house or slaughterhouse operations, which are to be reported separately in classification 4301; custom meat cutting operations, including farm kill, which are to be reported separately in classification 4302; cold storage or locker operations which are to be reported separately in classifications 4401 or 4404 as applicable, when conducted as a separate and distinct business; establishments engaged in processing, packaging, and repackaging fish which are to be reported separately in classification 3304-00; and retail meat, fish and poultry dealers who are to be reported separately in classification 3303.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-578 Classification 3309.

~~((Motorcycle, moped, motor scooter, snowmobile, jet ski, go-carts, golf cars, all-terrain vehicles, or other similar motorized vehicles sales and rental agencies including parts and service departments.))~~

3309-02 Golf cart sales/rental agencies

Applies to establishments engaged in the sale and/or rental of new, used golf carts and go carts, and related items such as, but not limited to, golf cart trailers, canopies, protective outerwear, helmets, and replacements parts for the above products. The sale of boats and canoes can be included in this classification if they are incidental to the sale of golf carts and go carts. This classification includes outside lots, and full product line parts and service departments. Regional service representatives who provide factory training to local dealer shop mechanics are included in this classification.

This classification excludes establishments primarily engaged in the sale of boats, boat trailers and motors, which are to be reported separately in classification 3414, and the repair of lawn and garden equipment and small engines which is to be reported separately in classification 3402.

3309-03 Motorcycle, moped, motor scooter, snowmobile, jet ski, all-terrain vehicles sales/rental agencies

Applies to establishments engaged in the sale of new and used motorcycles, mopeds, motor scooters, snowmobiles, jet skis, three wheel and four wheel all-terrain vehicles. These establishments may also sell related items such as, but not limited to, portable generators, lawn and garden equipment, chain saws, water pumps, snow blowers, small gasoline engines, boat motors, protective outerwear, helmets, and replacement parts for the above products. The sale of boats and canoes can be included in this classification if they are incidental to the sale of motorcycles, mopeds, or other primary merchandise. This classification includes outside lots, and full product line parts and service departments. Also included are motorcycle service and repair shops, motorcycle dismantlers (wrecking yards), regional service representatives who provide factory training to local dealer shop mechanics, and establishments engaged in the sale/rental and service (repair) of motorized mobility aids, such as motorized wheelchairs and 3-wheel scooters.

This classification excludes establishments primarily engaged in the sale of boats, boat trailers and motors, which are to be reported separately in classification 3414; establishments primarily engaged in the sale of lawn and garden equipment which is reported separately in classification 6309; and the repair of lawn and garden equipment and small engines which is to be reported separately in classification 3402.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-580 Classification 3402.

~~((Abrasive wheel manufacturing
Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing
Automobile or truck, radiator and heater core manufacturing and repair shops
Auto body manufacturing—truck, trailer, bus body manufacturing, travel trailer body repair
Auto or motorcycle manufacturing or assembly~~

Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.
 Auto or truck parts: Machining or rebuild not in vehicle
 Battery manufacturing: Assembly and repair—storage type
 Bed spring or wire mattress: Manufacturing
 Confectioners machinery: Manufacturing or assembly; food processing machinery: Manufacturing or assembly; precision machined parts, N.O.C.: Manufacturing
 Coppersmithing, shop
 Die castings manufacturing
 Furnace, heater or radiator: Manufacturing
 Heat treating metal
 Lead burning; metal spraying—copper
 Machinery manufacturing or assembly, N.O.C.
 Machine shops, N.O.C.—including mobile shops; provided that mobile machine shop operations subject to this classification are limited to the repair of equipment and machinery; tool sharpening; and marine engine repair
 Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.
 Office machinery: Manufacturing or assembly, N.O.C.; cash register and sewing machine: Manufacturing or assembly
 Photo processing machinery: Manufacturing or assembly
 Power saw, lawn and garden equipment; and small motor: Repair, N.O.C.
 Printing or bookbinding machinery: Manufacturing or assembly
 Pump manufacturing or assembly; safe: Manufacturing or assembly; scale: Manufacturing or assembly—including repair; auto jack: Manufacturing or assembly; water meter: Manufacturing or assembly—including repair
 Sand blasting shop including all mediums such as but not limited to glass, plastic or sand
 Saw: Manufacturing or assembly
 Sewing machine: Commercial—repair and rebuild
 Shoe machinery: Manufacturing or assembly; sprinkler head: Manufacturing or assembly; textile machinery: Manufacturing or assembly
 Small arms, speedometer and carburetor: Manufacturing or assembly—including rebuild
 Tool manufacturing: Machine finishing
 Tool manufacturing: Not hot forming or stamping; die manufacturing—ferrous
 Valve manufacturing
 Welding or cutting, N.O.C.—including mobile operations—provided that mobile welding operations subject to this classification are limited to repair of equipment and machinery
 Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification; and includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This classification excludes all activities away from the shop or plant.))

3402-00 Air compressor: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of air compressors. This includes air or gas compressors used for paint sprayers, air tools, tire inflation, and general industrial purposes. Operations contemplated include, but are not limited to, welding, machining, general mechanical and electrical work. Machinery and equipment includes, but is not limited to, hand and air tools, welders, punches, shears, and compression equipment. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-01 Printing or bookbinding machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of printing or bookbinding machinery. The outside casings of the machines may be made of plate metal that varies between 1" to 2 1/2" in thickness. The machines used to make the presses and binding machinery may include both Computer Numeric Controlled (CNC) and manual mills and lathes. Other machinery used in the manufacturing process includes, but is not limited to, welders or cutters, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and the set up, installation and repair of printing or bookbinding machinery which is to be reported separately in classification 0603.

3402-02 Pump, safe, scale, auto jack, and water meter: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of pumps, safes, scales, auto jacks, and water meters. Materials range from brass screws and rubber washers used to rebuild water meters to plate metal and steel castings used for safe and pump manufacturing. Machinery includes, but is not limited to, hand tools used for repairs, lathes, welders, and pressure testers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the installation and repair of safes which is to be reported separately in classification 0607; and the installation of pumps which is to be reported separately in the applicable classification.

3402-03 Shoe or textile machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of shoe machinery or textile machinery. Metal materials used vary in size, shape and dimension. Machinery includes, but is not limited to, drills, mills, lathes, saws, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of shoe or textile machinery which is to be reported separately in classification 0603.

3402-04 Confectioners or food processing machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of food processing or confectioners machinery. Metal materials used vary in size, shape and weight. These establishments often have an assembly line operation and a separate electronic assembly area. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation and repair of confectioners and food processing machinery which is to be reported separately in classification 0603.

3402-05 Machine shops, N.O.C.

Applies to establishments engaged in general machine shop operations not covered by another classification (N.O.C.), tool sharpening, and mobile welding shops. Many of the establishments in this classification are "job shops." Size and shape of materials vary with steel and aluminum being the most common. Plastics, light weight aluminum, and alloyed metals are becoming increasingly popular in the manufacture of equipment for some industries. These establishments often have welding shops along with machine shops. Machinery and equipment includes, but is not limited to, mills, lathes, grinders, saws, welding equipment, inspection equipment, and material handling equipment. Machinery is both manual and Computer Numeric Controlled (CNC). This classification also includes "mobile shops" which are used *exclusively* to repair machinery or equipment.

A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, however, sometimes the broken part is removed and taken back to the shop for repair.

This classification excludes repairs to buildings and structures which are to be reported separately in the appropriate construction classification, and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

Special note: The term "job shop" is an industry term that means the shop will produce products to customer specifications.

3402-06 Power saw, lawn and garden equipment, small motor, N.O.C.: Repair

Applies to establishments engaged in repairing small power tools, small motors powered by gas or diesel, outboard marine engines, and lawn and garden equipment not covered by another classification (N.O.C.). The largest piece of equipment repaired in this classification is generally a riding lawn mower. Classification 3402-06 is assigned in conjunction with a store classification for establishments that have a store operation and also repair the type of items they sell. Classification 3402-06 may also be assigned to a manufacturer representative who performs warranty repairs. Tools used in this type of repair are mainly hand and air tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the repair of electrical motors which is to be reported separately in classification 5201.

3402-07 Gear: Manufacturing or grinding

Applies to establishments engaged in the manufacture or grinding of gears. Establishments in this classification may also cut key slots and broaches. Establishments that cut stock to manufacture the gear are often not the same ones that perform the final grinding process. Gears may go through two, three, or four different grinding, slotting, and/or keying establishments and then go to another establishment for electroplating or galvanizing before they are ready for sale or use. Precision machine shops may grind gears to the ten thousandths of an inch. Materials used are usually stainless steel, aluminum, or plastic. Machinery includes, but is not limited to, gear shapers, drill presses, mill, hobbers, grinders, some of which might be Computer Numeric Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-08 Elevator: Manufacturing

Applies to establishments engaged in the manufacture of elevators and associated electronic components. Machinery includes, but is not limited to, mills, drills, lathes, saws, and grinders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and the installation, service, and repair of elevators which is to be reported separately in classification 0602.

3402-11 Metal goods: Manufacturing and shop services (temporary classification)

Applies temporarily to all establishments assigned any classification within WAC 296-17-580. When the metal goods study is complete, the establishments within this classification will be assigned to the appropriate classifications. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-12 Multimedia blasting

Applies to establishments engaged in multimedia (such as, but not limited to, glass, plastic and sand) blasting operations which strip paint or other coatings from metal or fiberglass. Most of the blasting operations in this classification are done on automobiles, but it also applies to establishments that perform blasting on items such as, but not limited to, barbecue grills, and cast iron pieces. Multimedia blasting processes in this classification are performed in a shop, use less air pressure and media with softer finishes than other blasting operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and sandblasting of buildings or structures which is to be reported separately in classification 0504.

3402-14 Furnace, heater or radiator: Manufacturing

Applies to establishments engaged in the manufacture of furnaces, radiators, or similar heating fixtures. Materials include, but are not limited to, metal cast parts, sheet metal, aluminum, or stainless steel. Machinery includes, but is not limited to, hand tools, solder guns, punches, lathes, and saws. Establishments in this classification may have separate areas for electronic assembly and/or painting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations

subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of radiators for automobiles or trucks which are to be reported separately in classification 3402-48; and establishments engaged in the manufacture of baseboard heaters which are to be reported separately in classification 3404.

3402-16 Die casting

Applies to establishments engaged in the manufacture of products by die casting. Die casting is a manufacturing process for producing accurately-dimensioned, sharply-defined metal products which are referred to as "die castings." "Dies" are the steel molds used to mass produce the product. The process begins when ingots of various metal alloys are melted in die casting machines. The machine forces the metal into the die under hydraulic or pneumatic pressure. The casting quickly solidifies in the die, and is automatically ejected by the machine, and the cycle starts again. The castings are cleaned by grinding or sanding, which also removes any excess metal "flash." Many die casting manufacturers maintain their own machine shop for making the dies. Die making, when done as a part of die casting operations, is included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; and establishments engaged in making dies for others which are to be reported separately in classification 3402-74.

3402-26 Saw blade: Manufacturing, assembly, or sharpening

Applies to establishments engaged in the manufacture, assembly, or sharpening of saw blades such as, but not limited to, those used in circular saws, band saws, rip saws, key-hole saws, and handsaws such as hacksaws or meat saws. This classification also includes sharpening services for items such as, but not limited to, tools, scissors, and knives. Materials include, but are not limited to, high tensile steel and carbide tipped blades. Machinery includes, but is not limited to, saws, mills, drills, and hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when

operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the repair or sharpening of chain saws which are to be reported separately in classification 3402-06; and establishments engaged in the manufacture or repair of electrical saws which are to be reported separately in classification 5201.

3402-28 Heat treating metal

Applies to establishments engaged in heat treating metal. The heat treating process may use computer numeric controlled ovens or furnaces. The oven may heat up to 1200 degrees Fahrenheit and a furnace may heat up to 2000 degrees Fahrenheit. The metal(s) is placed on a platform; the platform is hydraulically moved into the first chamber and the door is automatically closed. At this time, the oxygen is burned from the chamber. Then the second chamber door is opened and the metal enters the oven/furnace. Depending upon the specifications, the heat treating process usually takes six to sixteen hours. When the metal is finished in the heating chamber it returns automatically to the first chamber. Then the platform lowers and the metals are dipped into a cooling agent. Once the metals are cooled to room temperature the platform rises, the door opens, and the materials are removed. The process is essentially the same using noncomputer numeric controlled heat treating equipment except that, rather than being hydraulically operated, the machine operators move the metals through the system. Many establishments do not produce a product, but heat treat a variety of products to customer specifications. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-29 Nut, bolt, screw, nail, tack, rivet, eyelet spike, needle, N.O.C.: Manufacturing Sprinkler head, speedometer, carburetor: Manufacturing or assembly

Applies to establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles not covered by another classification (N.O.C.). This classification also applies to establishments engaged in the manufacture or assembly of sprinkler heads, speedometers, or carburetors. Materials include, but are not limited to, steel or iron rods which may be pressed or formed, and small component parts. Machinery includes, but is not limited to, saws, shears, presses, chuckers, threading and tapping machines, some of which may be Computer Numeric Controlled (CNC). Establishments may have separate areas for deburring, inspecting, packing and shipping. The carburetor rebuilding may be performed on vehicles that are driven or towed into the shop, or on carburetors that have been already removed from the vehicles. In either case the repairs are made exclusively with hand and air tools and sometimes a diagnostic scope and a drill press. A speedometer is usually embodied with a mileage recording mechanism. The central feature of the device is a permanent magnet. There are gears, spindles, and a drive shaft present in most speedometers.

There is also a unit counting disc and a spiral spring calibrator. Hand tools are used almost exclusively in the repair of this kind of speedometer. Today many speedometers are computer controlled. Basically, if this kind of speedometer is in need of repair, a computer chip(s) is replaced, using hand tools. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of hardware that is not covered under another classification, such as handles, latches, and hinges which are to be reported separately in classification 3404, and the repair of speedometers or carburetors in a vehicle which is to be reported separately in the appropriate vehicle repair classification.

3402-32 Abrasive wheel: Manufacturing

Applies to establishments engaged in the manufacture of abrasive wheels. Manufacturing operations often include a laboratory where carbon and other materials are mixed together to form the abrasive edge of the mainly high tensile steel wheels. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-40 Welding or cutting, N.O.C. (mobile operations limited to repair of equipment and machinery)

Applies to establishments engaged in welding or cutting operations not covered by another classification (N.O.C.) either in the shop or at the customer's site. Steel is the predominant material along with some aluminum alloys. Machinery is predominantly welding equipment, but may include tools such as, but not limited to, grinders, saws, drills, and material handling equipment. This classification also includes "mobile shops" which are used exclusively to repair machinery or equipment. A "mobile shop" in this classification usually means a van or pick up pulling a utility trailer equipped with hand tools, specialty tools, air tools, a compressor, and a portable welding unit. The machinery or equipment is usually repaired at the customer's location, sometimes with the use of the customer's equipment; however, broken parts may be removed and taken back to the shop for repair.

This classification excludes repairs to buildings or structures which are to be reported separately in the appropriate construction classification and mechanical repairs which are to be reported separately in the classification applicable to the work being performed.

3402-48 Automobile or truck, radiator and heater core: Manufacturing and repair shops

Applies to establishments engaged in the manufacture and/or repair of automobile or truck radiator and heater cores. Manufacturers in this classification may have a die casting area and a separate electronic assembly area. Tools and equipment include, but are not limited to, hand tools, solder guns, and punches. Shops that repair radiators may work on the radiators in the vehicles, but usually the radiators have been removed from the vehicle. The radiator is examined and the core may be removed. Next the radiator is cleaned, air pressurized, and dipped in a water tank to check it for leaks. Once the leaks are found they can generally be repaired by welding the holes shut. The radiator is dipped again to ensure the repair has been made properly. Cleaning the radiator may be done by sandblasting, ultra sound baths or by "rodding" the radiator to remove corrosion. Repair equipment includes, but is not limited to, welders, air and hand tools, dipping tanks, hoists, and forklifts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-60 Office machinery, N.O.C.: Manufacturing or assembly; Cash register or sewing machines; Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of cash registers, sewing machines and office machinery not covered by another classification (N.O.C.) such as, but not limited to, copiers, collators, mail/postage machines, calculators and automatic letter openers. Component parts may be metal, plastic, or wood. Operations include, but are not limited to, cutting, shaping, forming, drilling, riveting, clamping, and bolting; there may be a separate electronic assembly area. Machinery and tools vary within this classification; some establishments use hand and air tools only, others use additional equipment such as, but not limited to, saws, lathes, mills, drills, or water jets, some of which may be Computer Numeric Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-61 Small arms: Manufacturing, assembly, or rebuild

Applies to establishments engaged in the manufacture, assembly, or rebuild of small arms. For the purpose of this classification, small arms means .50 caliber or less, such as pistols, rifles, shotguns, and light machine guns. Operations include, but are not limited to, metal stamping of casings, machining, assembling, and a high proportion of inspecting. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of ammunition which is to be reported separately in classification 4601; the manufacture or repair of heavy arms which is to be reported separately in classification 5109; and gun stores which are to be reported separately in classification 6309.

3402-74 Tool: Manufacturing, not hot forming or stamping; Die: Manufacturing - ferrous

Applies to establishments engaged in tool manufacturing or die manufacturing, for others, from ferrous materials. Tools manufactured in this classification are usually cutting tools used in lathes, mills, rotors, and saws. Machinery includes, but is not limited to, sharpeners, grinders, lathes and mills, which are both manual or Computer Numeric Controlled (CNC). The die manufacturing included in this classification includes those made exclusively of ferrous materials including, but not limited to, jigs, fixtures, and dies for metal work in general. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of machine-finished tools which are to be reported separately in classification 3402-83.

3402-77 Auto, truck, semi-trailer and bus body: Manufacturing; Travel trailer body: Manufacturing or repair

Applies to establishments engaged in the manufacture of auto, truck, and bus bodies, and travel trailer bodies manufacturing or repair. Repairs are usually made with the use of welders or cutting torches and air or hand tools. These establishments will also repair or replace hydraulic units. Material used in the manufacture of goods in this classification is usually steel and aluminum, varying in thickness from 16 gauge to plate metal up to one inch thick. Shapes include, but are not limited to, sheet metal, tubes, solid rod or I-beams. Equipment includes, but is not limited to, shears, breaks,

hydraulic presses, iron workers, drill presses, grinders, welders, hoist, cranes, and forklifts. Shops may have a finish sanding area as well as a paint area where the vehicle bodies are sprayed with primer, a body bonding material, or a finish coat of paint. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-83 Tool: Manufacturing and machine finishing

Applies to establishments engaged in manufacturing and machine finishing tools. Tools manufactured in this classification are usually hand held instruments such as, but not limited to, wrenches, screw drivers, hammers, torque wrenches, pliers, and sockets. Machinery includes, but is not limited to, air and hand tools, polishers, grinders, inspection equipment, mills, lathes, shapers, and drill presses, some of which may be Computer Numeric Control (CNC). Establishments may have a galvanizing and/or electroplating area for the finish work which is included when performed by employees of employers subject to this classification. Other establishments in this classification send the finish work out. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of tools from ferrous materials which are to be reported separately in classification 3402-74; and establishments engaged in tool forging which are to be reported separately in classification 5106.

3402-85 Auto or truck parts: Machining or rebuild not in vehicle

Applies to establishments engaged in machining or rebuilding auto or truck parts such as, but not limited to, water pumps, fuel pumps, transmissions, heads, brake drums, ball joints, and rear ends, which are not in the vehicle. Work contemplated in this classification may also include manufacturing sockets, pulleys, shafts, fittings, flywheels, and/or bearings. Machinery includes, but is not limited to, mills, lathes, grinders, sanders, presses, welders, and balancing equipment. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in manufacturing

or rebuilding auto, truck, or aircraft engines which are to be reported separately in classification 3402-86.

3402-86 Auto, truck or aircraft engine, N.O.C.: Manufacturing or rebuilding

Applies to establishments engaged in manufacturing or rebuilding auto, truck, or aircraft engines not covered by another classification (N.O.C.), including manufacturing the component parts. Establishments in this classification often specialize in the type of engines they make or rebuild. The basic difference between automobile, truck, and aircraft engines is the size and weight of the parts being worked on. Engine rebuild shops use many specialized machines and air tools to tear the core down to an engine block; then rebuild the engine. After the engine is stripped down to the engine block, it is placed in a machine called a baker which heats to approximately 600 degrees and bakes away the grease. After baking, the engine block is placed in a sand blaster where the surface is cleaned with very fine steel shot. The engine block is then placed in a large pressure washer which removes the steel shot. Next, the crank and cam shafts are ground and turned on machinery similar to lathes. There is usually a separate room or area which is called the "head shop" where the heads and valves are machined on valve grinders, valve facers, and head grinders. Engine rebuild shops that do not have the equipment to grind the crank and cam shafts will contract work out to other shops, or buy new crank shafts and cam shafts. Other machinery includes, but is not limited to, boring bars and hones to polish cylinder walls, small pressure washers for oil pans and other smaller parts, solvent tanks, and hoists or forklifts for lifting the engines or engine parts. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in machining or rebuilding auto or truck parts, other than engines, which are to be reported separately in classification 3402-85.

3402-91 Bed spring or wire mattress: Manufacturing

Applies to establishments engaged in the manufacture of bed springs or wire mattresses. The wire stock is coiled and cut to length on a coiling machine, then tempered in an oven to produce the spring. The coils are fastened to the frame either by hand or by machine. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture

of stuffed mattresses which are to be reported separately in classification 3708.

3402-93 Valve: Manufacturing

Applies to establishments engaged in the manufacture of valves. Valves regulate the flow of air, gases, liquids, or loose material through structures by opening, closing, or obstructing passageways. They are operated manually, electrically, with compressed air, or hydraulic pressure. Valves are usually cut from aluminum, steel, or stainless steel either by a Computer Numeric Controlled machine (CNC) or water jet machine. Depending upon the complexity of the valve, they are assembled in one or several stages. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of valves made in a die mold which are to be reported separately in classification 3402-74.

3402-94 Precision machined parts, N.O.C.: Manufacturing

Applies to establishments engaged in manufacturing precision machined parts not covered by another classification (N.O.C.). Most of these establishments are "job shops." Job shops make component parts for other businesses according to customer specifications, rather than manufacturing a specific product. Many establishments in this classification manufacture precision parts for the aerospace industry. Machining usually begins with solid blocks of material such as, but not limited to, steel, aluminum, titanium, inconel, or plastic, although some hollow tube, flat bar, and angle stock may also be used. The "rough cuts" are often made on manual machines, and the finish cuts on Computer Numeric Controlled (CNC) machines. Depending on the establishment and the job specifications, a specific part may be sent to one or more additional shops to be tempered, milled, or inspected before the original establishment is through with the manufacturing process. Some parts are so sensitive that climate controlled conditions are necessary. Both manual and CNC mills and lathes are the most common types of machines used. Others include, but are not limited to, saws, drills, and grinding machines. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-95 Storage battery: Manufacturing, assembly or repair

Applies to establishments engaged in the manufacture, assembly, or repair of storage batteries. Lead ingots, weighing 20-25 pounds, are melted and poured into a mold or casting machine. After the grids are cooled lead oxide is then pumped onto each side of a grid and cured by baking in an oven of about 300 - 400 degrees F. The plates are then assembled by placing a negative separator (zinc) between a positive separator (copper), and so forth until there are enough of these cells to form the battery. Next, they are sent to a burning machine that cures the paste and plates. After the burning process, the plates are placed into a plastic or hard rubber box-like container and cured for two or three days. The plates are welded together and the top is attached to the body of the battery case with an epoxy glue. Diluted sulfuric acid is added to the battery and then it is put on a charger. The battery is then cleaned and packed for shipping. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in the manufacture of dry cell (flashlight type) batteries which are to be reported separately in classification 3602; and establishments engaged in battery sales and installation which are to be reported separately in the applicable automotive services classification.

3402-96 Automobile or motorcycle: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of automobiles or motorcycles. Most of the manufacturing operations, such as cutting, milling, and turning, are performed with Computer Numerically Controlled (CNC) machinery. Most of the assembly operations are performed with air and hand tools. Other machinery includes but is not limited to saws, grinders, and drill presses. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged only in the manufacture of auto bodies which are to be reported separately in classification 3402-77.

3402-98 Machinery, N.O.C.: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of machinery not covered by another classification (N.O.C.). For purposes of this classification, machinery means any combination of mechanical parts constructed pri-

marily with metal. Finished products vary widely and range from hand held machines to those weighing thousands of pounds; products include, but are not limited to, grinding machines, boring machines, conveyer systems, and wood chippers. Machinery used to manufacture these items includes, but is not limited to, lathes, mills, press, breaks, shears, and welders, some of which may be Computer Numerically Controlled (CNC). This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3402-99 Photo processing machinery: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of photo processing machinery such as, but not limited to, photo processors or film enlargers. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-581 Classification 3403.

~~((Aircraft manufacturing~~

~~For the purposes of this rule aircraft manufacturing means the original manufacture of such aircraft as distinguished from rebuilding, modifying, or converting existing aircraft and only applies to the production of units when completed that are capable of in-air flight as distinguished from aircraft kits to be assembled by the purchaser and are not capable of air flight when sold~~

~~This classification includes clerical office and sales personnel and aircraft operations incidental to the manufacture such as test flights.))~~

3403-00 Aircraft: Manufacturing

Applies to establishments engaged in the manufacture of aircraft. For the purposes of this classification "aircraft manufacturing" means the original manufacture of such aircraft as distinguished from rebuilding, modifying, or converting existing aircraft and applies only to the production of units that, when completed, are capable of in-air flight as distinguished from aircraft kits to be assembled by the purchaser that are not capable of air flight when sold. This classification includes clerical office and sales personnel and aircraft operations incidental to the manufacture such as test flights.

This classification excludes establishments engaged in the original manufacture of aircraft parts which are to be reported separately in classification 3405 or as otherwise provided for in WAC 296-17-58201; the manufacture of aircraft kits which is to be reported separately in the classification applicable to the work being performed; modification, repair or conversions made to an existing aircraft which are to be reported separately in classification 6804; and the assembly of aircraft kits into an airplane which is to be reported separately in classification 6804.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-582 Classification 3404.

~~((Aluminum ware manufacturing— from sheet aluminum
Auto or truck parts manufacturing or assembly N.O.C.— miscellaneous stamped parts~~

~~Awning manufacturing or assembly— metal~~

~~Brass or copper goods manufacturing~~

~~Cans manufacturing— aluminum or galvanized~~

~~Coffin casket manufacturing or assembly, other than wood~~

~~Electric or gas lighting fixtures, lampshades or lantern manufacturing or assembly— metal~~

~~Furniture, shower door, showcases— not wood— manufacturing or assembly~~

~~Galvanized iron works, manufacturing— not structural~~

~~Hardware manufacturing, N.O.C.~~

~~Metal goods manufacturing, N.O.C., from material lighter than 9 gauge~~

~~Metal stamping, including plating and polishing~~

~~Sign manufacturing— metal~~

~~Ski manufacturing and toboggan manufacturing— metal~~

~~Stove manufacturing, excluding wood stove manufacturing and other stoves made from material 9 gauge or heavier which are to be reported separately in classification 5209~~

~~Water heater manufacturing or assembly~~

~~Window, sash or door manufacturing or assembly— aluminum~~

~~Physically separate upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing may be reported separately in classification 3808 provided that conditions set forth in WAC 296-17-410 have been met~~

~~Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification; and the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation. This classification excludes all activities away from the shop or plant.))~~

3404-01 Can: Manufacturing - aluminum or galvanized

Applies to establishments engaged in the manufacture of cans from aluminum or galvanized metals lighter than 9 gauge. Products include, but are not limited to, soda cans,

food cans, and garbage cans. The galvanizing process includes dipping the tin/metal into liquid zinc. The manufacturing process involves cutting, forming, stamping, and soldering/welding. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3404-02 Galvanized iron works: Manufacturing - non-structural

Applies to establishments engaged in the manufacture of nonstructural galvanized iron from sheet metal lighter than 9 gauge. Processes include cutting, forming, welding, riveting, punching, and drilling. The equipment used includes, but is not limited to, drills, presses, punches, shears, and press breaks. Establishments in this classification may paint, powder coat, or silk screen their products; which is included when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of employers subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3404-03 Hardware, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of hardware that is not covered by another classification (N.O.C.), such as, but not limited to, handles, latches, hinges, and buckles. Operations include, but are not limited to, stamping and assembly, electroplating and/or other types of finishing. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of nuts, bolts, screws, nails, tacks, rivets, eyelets, spikes, and needles which are to be reported separately in classification 3402.

3404-04 Metal stamping

Applies to establishments engaged in the mass production of products by metal stamping techniques which impress, cut out, or shape something to a desired size. Products produced by this technique include, but are not limited to, license plates, pie plates, pots, and waste baskets. This

classification includes any finish work when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3404-06 Metal sign: Manufacturing

Applies to establishments engaged in the manufacture of signs from metals lighter than 9 gauge. Materials may be cut, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, water jets and welders. All operations necessary to make a sign operative, such as, but not limited to, adding electrical wiring or circuitry, painting, powder coating, or silk screening are included within the scope of this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; the installation or removal of signs outside of buildings which is to be reported separately in classification 0403; the installation or removal of signs inside of buildings which is to be reported separately in classification 0513; sign painting or lettering on the inside of buildings, or establishments that paint on or apply lettering to sign "backings" that are manufactured by others, which is to be reported separately in classification 4109; and establishments engaged in the manufacture of wood or plastic signs which are to be reported separately in the classification applicable to the manufacturing process and materials.

3404-07 Metal goods, N.O.C.: Manufacturing or assembly from materials lighter than 9 gauge

Applies to establishments engaged in the manufacture or assembly of metal goods from materials lighter than 9 gauge which are not covered by another classification (N.O.C.) including water heaters, electric baseboard heaters, electric furnaces and bicycles. Materials may be cut, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3404-12 Aluminum ware: Manufacturing from sheet aluminum

Applies to establishments engaged in the manufacture of aluminum ware such as, but not limited to, mail boxes, buckets, gutters, and down spouts, from sheet aluminum. Materials may be cut, bent, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3404-18 Metal coffin/casket: Manufacturing or assembly

Applies to establishments engaged in the manufacture of coffins or caskets out of metal. Materials may be cut, bent, punched, drilled, riveted, and welded. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Physically separated upholstery departments of establishments engaged in furniture, coffin, casket manufacturing, assembly, or finishing may be reported separately in classification 3808 provided all the conditions in the general reporting rule covering the division of an employees hours have been met.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of caskets from wood or plastic which are to be reported separately in the classification applicable to the manufacturing process and materials.

3404-19 Metal awnings: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of awnings from metals lighter than 9 gauge. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of awnings from canvas or other textiles which is to be reported separately in classification 3802.

3404-20 Metal furniture, shower door, showcases: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of furniture, shower doors, or showcases made with metals lighter than 9 gauge. Other items manufactured in this classification include, but are not limited to, file cabinets, desks, and stands. Material may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Physically separated upholstery departments of establishments engaged in furniture, coffin, casket manufacturing, assembly, or finishing may be reported separately in classification 3808, provided all the conditions of the general reporting rule covering the division of an employee's hours have been met.

This classification excludes all activities away from the shop or plant and establishments engaged in the manufacture of wood furniture which are to be reported separately in classification 2905.

3404-21 Stove: Manufacturing from metals lighter than 9 gauge

Applies to establishments engaged in the manufacture of stoves from metals lighter than 9 gauge. Types of stoves include, but are not limited to, electric or gas cook stoves. Accessory materials such as, but not limited to, electrical assembly units, glass, plastic, or wood may be used in the manufacture of stoves. Materials may be cut, punched, drilled, riveted, and bent. Establishments in this classification may paint or powder coat their products which is included when performed by employees of employers subject to this classification. Machinery includes, but is not limited to, punches, presses, drills, shears, brake presses, grinders and welders. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant, and establishments engaged in the manufacture of wood stoves or other stoves made of metals 9 gauge or heavier which are to be reported separately in classification 5209.

3404-24 Metal electric or gas lighting fixtures, lampshades or lantern: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of metal fixtures, lampshades, or lanterns from materials lighter than 9 gauge. The metal fixtures may be equipped with electrical or gas lighting and used as signs or other display mediums. Metal may be cut, punched, drilled, riveted, and bent. Depending on the item being made, electrical or gas-filled tubes or bulbs may be attached. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, grinders, welders, and solders. Establishments in this classification may make a finished product or only component pieces. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes establishments engaged in the manufacture of neon tube signs or displays that are not attached to metal backings which are to be reported separately in classification 3602, and all activities away from the shop or plant.

3404-25 Brass or copper goods: Manufacturing

Applies to establishments engaged in the manufacture of brass or copper goods such as, but not limited to, belt buckles, lamp stands, cooking utensils, and flower pots. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, water jets, grinders, welders/solders and brazing guns. Establishments in this classification may make a finished product or a component part. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3404-26 Aluminum window, sash or door: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of windows, sashes or doors from aluminum. Accessory materials such as, but not limited to, glass, wood or plastic may also be used in the assembly process. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, shears, break presses, grinders, and welders/solders. Establishments in this classification may make a finished product or only component parts. Manufacturers may paint, enamel, or bake a finish onto products, which is included when performed by employees of employers subject to this classifica-

tion. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant; establishments engaged in manufacturing vinyl window sashes which are to be reported separately in classification 3512; and establishments engaged in manufacturing wooden window sashes and doors which are to be reported separately in classification 2903.

3404-27 Auto or truck parts, N.O.C.: Manufacturing or assembly; miscellaneous stamped parts

Applies to establishments engaged in the manufacture or assembly of auto or truck parts not covered by another classification (N.O.C.), and of miscellaneous stamped parts, such as, but not limited to, hub caps, fenders, and trim. Galvanizing or electroplating is included in this classification when performed by employees of employers subject to this classification. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

3404-29 Metal ski and toboggan: Manufacturing

Applies to establishments engaged in the manufacture of skies or toboggans primarily from metal although wood or plastic component parts may also be used. Materials may be cut, punched, drilled, riveted, and bent. Machinery includes, but is not limited to, punches, presses, drills, water jets, shears, break presses, grinders, and welders/solders. Establishments in this classification may make a finished product or only a component part. This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations subject to this classification and when the repair work is done as a part of, and in connection with, the manufacturing or assembly operations. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-58201 Classification 3405.

((Aircraft parts manufacturing, N.O.C.

For the purpose of this rule, aircraft parts means the component parts making the aircraft operative and becoming part of the aircraft when being manufactured by the aircraft manufacturing company.

This classification is not applicable to an employer who has operations reported in classification 3402; classification 3404; classification 3510; 3511; 3512; or classification 5201 unless such operations are conducted as a distinct and separate business undertaking and the conditions set forth in WAC 296-17-390 have been met.

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification.)

3405-01 Aircraft parts, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of aircraft parts not covered by another classification (N.O.C.), usually from steel and aluminum mixes and exotic metals. For the purpose of this rule, aircraft parts means the component parts making the aircraft operative and becoming part of the aircraft when being manufactured by the aircraft manufacturing company. The component parts manufactured in this classification are usually small, light weight, and can easily be held in the hand. Machinery includes, but is not limited to, mills, lathes, grinders, and forklifts. Computer Numeric Controlled (CNC) equipment is used most of the time for many of the parts being mass produced. Once pieces are cut and milled, they are usually deburred, then inspected and prepared for shipping in separate areas. Businesses in this classification routinely employ engineers and draftsmen who perform office work only who may be reported in classification 4904 provided all the conditions in the general reporting rule covering standard exception employees have been met. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

Special note: This classification is not to be assigned to an employer who has operations reported separately in classifications 3402, 3404, 3510, 3511, 3512, or 5201 unless all the conditions in the general reporting rule covering the operation of a secondary business have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-583 Classification 3406.

((Automobile or truck car washes
Automobile or truck gas service stations, N.O.C.
Automobile or truck storage garages—no repair
This classification includes cashiers who receive payments from customers but excludes portable automobile or truck car washes subject to classification 6602.))

3406-00 Automotive or truck gas service stations, N.O.C.

Applies to establishments operating full service gasoline or diesel service stations not covered by another classification (N.O.C.) and includes lube and oil change specialists and mobile lube and oil services. Full service includes, but is not limited to, pumping gas for customers, replacing wiper blades, checking and/or filling the fluid levels (oil, transmis-

sion, wiper wash and antifreeze), and adding air to the tires. The repairs included in this classification are oil and filter changes, tune-ups, replacement of brakes, front end alignments and the repair or replacement of tires. This classification includes cashiers.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments engaged in automobile or truck repair services and tune up specialists which are to be reported separately in classification 3411; semi truck, tractor, or bus repair services which are to be reported separately in classification 3413; self-service gas stations which are to be reported separately in classification 3409; and convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410.

3406-01 Automobile or truck storage garages

Applies to establishments operating automobile or truck storage garages. Generally, these types of storage garages consist of an enclosed structure and usually with more than one level of parking. Storage garages may provide additional incidental services such as, but not limited to, gasoline, tune-ups, washing and waxing services, as well as cashiers and full time attendants or security personnel.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments providing parking lot services which are to be reported separately in classification 6704; automobile or truck repair services which are to be reported separately in classification 3411; semi truck, tractor, or bus repair services which are to be reported separately in classification 3413; self-service gas stations which are to be reported separately in classification 3409; and full service gas station services which are to be reported separately in classification 3406-00.

Special note: Storage garages applicable to this classification are distinguishable from parking lots in classification 6704 in that parking lots usually are not an enclosed structure, and they do not provide service to automobiles.

3406-04 Automobile or truck - detailing by contractor

Applies to establishments engaged in providing automobile or truck detailing services. Detailing involves complete, in-depth cleaning of exteriors and interiors such as, but not limited to, washing, waxing, polishing, buffing, vacuuming or otherwise cleaning the auto bodies, chrome work, tires, hub caps, windows, mirrors, carpets and seats. This classification includes the tinting of automobile or truck window glass when performed by employees of the detailing operation, as well as cashiers.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; tinting of automobile or truck window glass performed by a glass dealer which is to be reported separately in classification 1108; detailing performed in connection with automobile or truck dealers, service centers or repair garages which are to be reported separately in classification 3411; detailing performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; detailing performed in connec-

tion with semi truck, tractor or bus dealers, service centers or repair garages which are to be reported separately in classification 3413; and detailing performed in connection with full service gas stations which are to be reported separately in classification 3406.

3406-05 Automobile or truck car washes

Applies to establishments providing automobile or truck washing services. This classification includes the exterior washing, waxing, polishing or buffing, cleaning of chrome and tires, and the interior cleaning of windows, carpets, dash and seats. These services may be performed at a coin operated self-service unit, or at a full service automatic unit where the vehicle is conveyed through the line assisted by attendants. This classification includes cashiers and the sale of accessory items such as, but not limited to, bottled car care products, air fresheners, floor mats, beverages and snack foods.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; washing services performed in connection with automobile or truck dealers, services centers or repair garages which are to be reported separately in classification 3411; washing services performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; washing services performed in connection with semi truck, tractor or bus dealers, services centers or repair garages which are to be reported separately in classification 3413; washing services performed in connection with full service gas stations which are to be reported separately in classification 3406; washing services performed in connection with self-service gasoline operations which are to be reported separately in classification 3409; and washing services performed in connection with convenience stores that have self-service gasoline operations which are to be reported separately in classification 3410.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-584 Classification 3407.

~~((Asphalt, bitumen dealers~~

~~Asphalt or tar, distilling or refining~~

~~Asphalt paving material—manufacturing~~

~~Asphalt roofing material—manufacturing~~

~~Gas dealers, liquified petroleum gas, gas works, all operations~~

~~Gas or oil dealers, wholesale or retail, including fuel oil, propane or butane~~

~~Gasohol distilling or refining~~

~~Gasoline recovery from casing head or natural gas~~

~~Oil or gas lease work, N.O.C.—by contractors—not lease operation~~

~~Oil or gas pipe line operation~~

~~Oil or gas wells—cementing~~

~~Oil or gas wells—installation or recovery of casing~~

~~Oil or gas wells—specialty tool operation, N.O.C., by contractor~~

~~Oil refining—petroleum, including manufacturing of products obtained therefrom~~

~~Oil wells operation—oil or gas lease operators~~

~~Synthetic rubber manufacturing—))~~

3407-00 Gas or oil dealers, wholesale or retail, including fuel oil, propane or butane

Applies to establishments engaged in the distribution of fuel oil, liquefied petroleum gases (propane and butane) and gasoline on a retail or wholesale basis. Dealers may maintain their own storage tanks on their premises and receive gas or oil through a pipeline from a refinery, by rail or tanker truck, or they may receive their supplies from a separate distribution facility. Gas dealers will deliver gasoline and lubricating oils directly to retail gas stations in large tank trucks. Fuel oil is delivered to customers by pump trucks and pumped into the customer's tank. Liquefied petroleum gases (LPG) is delivered to customers by pump truck or in prefilled cylinders. Some dealers may also provide, through sale or lease, the installation and maintenance of gas appliances which is included in this classification when done by employees of an employer subject to this classification. This classification includes the incidental mixing or blending of oil or gas with additives, the draining, repair, installation or removal of customer's oil tanks, maintenance contracts and emergency repairs.

This classification excludes the repair, installation or removal of underground oil storage tanks by a contractor which is to be reported separately in classification 0108; the installation or repair of furnaces by a contractor which is to be reported separately in classification 0307; and the construction or repair of exterior commercial storage tanks by a contractor which is to be reported separately in classification 0508.

3407-01 Asphalt, bitumen dealers

Applies to establishments engaged as *dealers* of asphalt and bitumen which can be either a by-product of petroleum refining or found in naturally occurring deposits. Dealers may grind and mix the raw asphalt and bitumen with sand, gravel or limestone to produce a mixture which can be suitable for some paving applications or sold to an asphalt paving material manufacturer for further processing. The product is usually not packaged, but sold by the truckload. When this mixing process is conducted in connection with an oil/petroleum refining operation, it is to be reported in classification 3407-03.

This classification excludes the mining or quarrying of raw materials which is to be reported separately as applicable; establishments engaged in the manufacture of asphalt mixtures for road paving which is to be reported separately in classification 3407-18; and the paving of roads or other surfaces which is to be reported separately in classification 0210 or 0212.

3407-02 Processing waste oils, solvents, antifreeze, paints, and similar materials

Applies to establishments engaged in processing waste oils, used solvents, antifreeze, paints, and similar hazardous materials. Mobile recycling units engaged in similar activities are included in this classification. The processes used by

establishments in this classification are similar in that a sample of the waste material usually has been laboratory tested so the composition of the substance is known prior to either being picked up by the establishment's own trucks, or delivered by the customer. Depending on the material and quantity, it may arrive in drums or by tanker trucks. Incoming oil is pumped into waste oil storage tanks where water settles out. After the settling process, the oil goes to treatment tanks where it is heated to boil off remaining water and vaporize gases. There are other methods of recycling the oil, using chemicals, which are also included in this classification. The end product can be used in industrial burners or for cutter fuel. Solvents and antifreeze can be recycled through a distilling process, and used again.

This classification excludes establishments engaged in hazardous/toxic material processing or handling, not described above, such as processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land - classification 0101), and reprocessing or handling of low-level radioactive materials which are to be reported separately in classification 4305.

3407-03 Oil refining - petroleum, including manufacture of products from oil; gasohol - distilling or refining

Applies to establishments engaged in the operation of oil refineries. Oil refineries receive crude oil by pipeline, truck or tanker ship, process it into products such as, but not limited to, gasoline, natural gas, kerosene, fuel oil, lubricating oils and asphalt, and distribute it to their customers. Current refining processes involve four basic steps; separation, conversion, treating and blending. These processes are highly automated and involve the use of receiving tanks, processing units, distillation towers, intermediate storage and pipelines. Included within the scope of this classification are any additional processing methods used to produce the finished secondary products. This classification includes the production of gasohol and the preliminary separation of crude oil (called "topping") at a well site by a contractor.

This classification excludes oil refinery maintenance by a contractor which is to be reported separately in classification 0603; construction of an oil refinery or storage tanks which is to be reported separately in classification 0508; cleaning of storage tanks by a contractor which is to be reported separately in classification 0504; operation of an oil well and incidental preliminary separation of crude oil ("topping") at the well site which is to be reported separately in classification 3407-05; and operation of an oil pipeline only which is to be reported separately in classification 3407-12.

3407-04 Asphalt or tar - distilling or refining

Applies to establishments engaged in the production of commercial asphalt or tar. Products produced in this classification differ from those in 3407-01 in that products in 3407-04 are refined to, and sold as, a liquid or semi-liquid. Low grade crude oil, petroleum distillate (by-product of oil refining operations) and coal-tar oil must be treated in a heat exchange system and still before undergoing a final processing in a fractioning tower (a process also used in oil refining) to separate the asphalt or tar. Finished products and by-products include, but are not limited to, asphalt roofing com-

pound, asphalt for use in manufacturing felt roofing paper, trinidad asphalt used in road paving, tar to be used in various paving and waterproofing applications and coal tar which is used in drugs and waterproofing products. When this process is conducted in connection with an oil/petroleum refining operation, it is to be reported in classification 3407-03.

This classification excludes contractors engaged in distillery/refinery maintenance which is to be reported separately in classification 0603; contractors engaged in cleaning of storage tanks which is to be reported separately in classification 0504; and construction of refineries and storage tanks which is to be reported separately in classification 0508.

3407-05 Gas or oil well operation

Applies to establishments or contractors engaged in the routine operation of producing oil or gas wells. Work contemplated by this classification includes, but is not limited to, all routine operation and maintenance required such as, but not limited to, land clearing and excavation to create slush pits, fire walls, pipe laying, machinery and equipment (such as oil, gas or water pumps) installation and operation, preliminary separation of crude oil, and monitoring of oil or gas production when performed by employees of an employer having operations subject to this classification.

This classification excludes derrick or storage tank erection which is to be reported separately in classification 0508; oil well drilling which is to be reported separately in classification 0103; excavation by a contractor which is to be reported separately in classification 0101; pipe laying by a contractor which is to be reported separately in classification 0107; cleaning of storage tanks by a contractor which is to be reported separately in classification 0504; machinery or equipment maintenance by a contractor which is to be reported separately in classification 0603; and the operation of an oil or gas pipeline only which is to be reported separately in classification 3407-12.

3407-07 Oil or gas wells - cementing

Applies to establishments engaged in providing cementing services to oil and gas well drilling operations. Cementing is required to fill the space between the outer edge of the hole being drilled and the metal casing which is being installed in segments to line the hole. The mixed cement is pumped, under pressure, down into the casing. When it reaches the bottom of the existing hole, the continuing pressure forces it upward around the outside of the casing to the top of the hole or to where it will meet the last segment to have been cemented. This will serve to keep the casing stable and also to prevent any leakage of oil or gas from the casing into the surrounding soil when the well is operational. Cementing contractors can use the drilling derrick already in place to support their machinery. This classification also includes filling the entire well hole with cement, after the casing is disassembled and removed, when the well is no longer operational.

This classification excludes oil or gas well cementing done by employees of an oil well drilling contractor which is to be reported separately in classification 0103.

3407-12 Oil or gas pipeline operation

Applies to establishments engaged in operating an oil or gas pipeline. The pipeline may be used to transport crude oil from a well to a refinery or processed oil from a refinery to a remote storage facility or customer. Work contemplated by this classification includes, but is not limited to, operating and maintaining above or below-ground pipelines, feeder and distribution lines, pumping stations to maintain flow, storage facilities, and meters and monitoring equipment. This classification is appropriate whether the pipeline is being operated by the owner or a contractor.

This classification excludes oil or gas pipeline operations done in connection with an oil refinery which are to be reported in classification 3407-03; oil or gas pipeline operations done in connection with the operation of an oil or gas well which are to be reported in classification 3407-05; contractors engaged in above or below ground pipe installation which is to be reported separately in classification 0107; construction of oil refineries and/or storage tanks which is to be reported separately in classification 0508; and the installation of pumps or monitoring equipment which is to be reported separately in classification 0603.

3407-17 Asphalt roofing material - manufacturing

Applies to establishments engaged in the manufacture of asphalt mixtures used in the preparation of building or roofing papers and shingles from raw materials purchased from others. The operations may include the incidental distillation of the asphalt flux.

Asphalt Roofing Materials - Some plants are fully automated, with controls, gauges, and valves housed in a separate room. Liquid asphalt flux, purchased from refineries, is hauled in by tanker trucks owned either by the refineries or the manufacturer, and is pumped directly into "air stills" or into holding tanks. An oxidation process takes place in the air stills. The asphalt flux is heated, then pumped into cooling tanks before it is pumped through pipes to a bulk loading/delivery station or to another area for further use. The processed hot asphalt may also be pumped into a blending tank where it can be blended with mineral spirits or naphtha to produce "cut-back" asphalt which is used in "cold asphalt" applications, or mixed with water to obtain an emulsified asphalt which "sets up" when it cools.

Asphalt Impregnated Felt Roofing Paper - Large rolls of felt paper are unrolled and automatically fed into a saturation tank where the paper is impregnated with the hot asphalt mixture. The paper then goes through several large rollers for cooling and smoothing, and is finally cut to size and rolled to produce rolls of asphalt coated felt roofing paper ready for use.

Asphalt Fiberglass Shingles - Limestone is delivered in bulk by suppliers' trucks and blown pneumatically into storage tanks. In the production processes it goes through a heater and is then mixed with the liquid asphalt. The production line starts with huge rolls of fiberglass which are fed continuously (roll ends spliced together automatically) into the process. The asphalt mixture is crushed into both sides of the fiberglass by large rollers and the excess asphalt scraped off. Granules are applied to the top side and sand is applied to the back side of the asphalt coated fiberglass. The coated fiber-

glass is then run through coolers. Granules are pressed into the coating and the material is fed/hung into "loopers" for additional cooling. After cooling, the coated material is automatically cut into strips, cut to specified width and length, "dragon teeth" (notches) cut, asphalt applied to the back of the "dragon teeth", then the "teeth" applied to the shims, and the asphalt shingle is complete.

This classification excludes asphalt or bitumen dealers who are to be reported separately in classification 3407-01; asphalt or tar distilling or refining operations which are to be reported separately in classification 3407-04; and asphalt paving material manufacturers who are to be reported separately in classification 3407-18.

3407-18 Asphalt paving material - manufacturing

Applies to establishments engaged in the manufacture of asphalt mixtures used for road paving operations from raw materials purchased from others. This classification applies only to the operation of the asphalt plant which usually consists of a loader, a control operator, and a maintenance worker. (To qualify for classification 3407-18 the maintenance worker's duties must relate *only* to the asphalt plant.) This classification does not apply to workers involved in pit, crusher and bunker operations. The operations may include the incidental distillation of the asphalt flux which is included in this classification. Asphalt paving mixture plants are usually fully automated and controlled from a central control room overlooking the production area. Sand and gravel may be obtained from the producer's own gravel pit or purchased from independent suppliers. Liquid asphalt is obtained directly from either the refineries or from an asphalt dealer. Suppliers usually deliver raw materials to the manufacturing plant.

In a *batch plant*, each batch is made separately. The stored aggregate is loaded into hoppers, then carried by conveyor through a dust collecting system prior to entering the dryer drum. In the dryer drum the aggregate is dried and heated to specified temperatures before being conveyed to the "batcher" where it is screened, then stored in bins. Heated liquid asphalt is weighed to precise specifications required for that batch. Measured amounts of aggregate and liquid asphalt are in a pug mill to desired state, then discharge into trucks to be delivered to customers or stored in a silo.

In a *drum plant* the mix is continuous with several of the processing steps being combined in the drum. The measured cold aggregate is fed directly into the burner end of the drum for drying and heating. A measured amount of hot oil asphalt is dumped into the drum and mixed with the heated aggregate. The mixed product is conveyed into storage silos where it is held until pumped into delivery trucks.

This classification excludes workers involved in pit, crusher and bunker operations who are to be reported separately in classification 0112; paving contractors who manufacture asphalt paving material for their own use who are to be reported separately in the appropriate construction classifications; asphalt or bitumen dealers who are to be reported separately in classification 3407-01; asphalt or tar distilling or refining operations which are to be reported separately in classification 3407-04; and establishments engaged in the

manufacture of asphalt roofing material which are to be reported separately in classification 3407-17.

Special note: If the product is manufactured by paving contractors for sale to the general public, as well as for their own use, and if the employees operating the asphalt plant have no other duties, classification 3407-18 would apply to the asphalt plant employees.

3407-19 Dewatering sludge; advanced recycling of plastics and tires; On-site oil filtering

Applies to establishments engaged in providing mobile dewatering services to waste sludge producers through the use of mobile decanter centrifuges. The centrifuges and control instrumentation is highly specialized equipment designed specifically for the dewatering of sludge to concise quality specifications as determined by the client. Mobile decanter centrifuge installations include dredging and pumping equipment, flocculation systems, and portable electrical supply, as well as trucks for transferring the dewatered sludge. The ultimate disposal of the dewatered sludge is provided by either a subcontractor or by the client. The dewatered sludge can be used in a wide variety of applications such as composting and land reclamation. This classification also applies to establishments engaged in advanced recycling of plastics and tires. The process is similar to a small refinery. Either pelletized or shredded plastic material made from used consumer materials, or shredded used tire material may be used. The plastic or tire material is fed into a retort which decomposes the material using heat without oxygen, so the material is not burned. As the hot vapor gas cools, it is condensed into oil. Oil from the plastic processing is shipped to refineries where it will be refined further into plastic base material. Oil from the chipped tires is usually sold to oil blending companies. This classification also applies to on-site oil filtering. The usual process is filtering the oil through a filtering mechanism and then back into its original tank. This service may be performed on ships, in industrial plants, or at gas or oil storage facilities.

This classification excludes the "rig up/down" process (unloading and setting up the equipment at a new job site, and tearing it down and loading it on trucks to haul it to the next job site) which is to be reported separately in classification 0603.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-585 Classification 3408.

~~((Gas companies — natural gas including clerical office and sales personnel~~

~~This classification includes new construction and extension of lines when done by employees of employers having operations subject to this classification~~

~~This classification excludes contractors engaged in gas line construction, maintenance or repair subject to classification 0107-))~~

3408-00 Natural gas companies

Applies to establishments engaged in the operation of natural gas companies which distribute gas through gas mains or pipes to local consumers. Employments covered in

this classification include clerical office and sales personnel, store employees, meter readers, and drivers. This classification also includes local gas main connection, new construction and extension of lines, maintenance and operation of plant equipment, installation and repair of plant pressure regulators, and installation and repair of meters, appliances, furnaces and gas regulators on piping within a customers' premises when performed by employees of an employer subject to this classification.

This classification excludes contractors engaged in gas line construction, maintenance or repair who are to be reported separately in classification 0107; contractors engaged in the installation of heating systems who are to be reported separately in classification 0307; contractors engaged in the installation of gas appliances who are to be reported separately in classification 0607; and contractors engaged in the installation of hot water tanks who are to be reported separately in classification 0306.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-58501 Classification 3409.

~~((Self-service gas stations~~

~~This classification applies to service stations that are completely self-service with no employees performing a direct service of any kind to customer's vehicle. Service stations providing direct services of any kind to a customer's vehicle will be reported separately in classification 3406 even though such establishments may also have self-service gas facilities-))~~

3409-00 Self-service gas stations

Applies to establishments engaged in self-service gas operations. A self-service station is a facility where the customers pump gas into their own vehicles with no assistance from any of the establishment's employees. Typically, the only employee involved in the operation is a cashier who monitors the pumps from inside a booth and collects the payment from the customer. Sales of cigarettes and limited snack items are allowed in this classification.

This classification excludes full service stations, establishments with both self-serve and full or limited service operations at the same location, or any type of service stations with gasoline operations that offer any repair or direct services to the customer's vehicle, regardless of the percentage of the activities, at the same location, which are to be reported separately in classification 3406; and establishments who operate a self-service gas station with a convenience store or mini-mart operations which are to be reported separately in classification 3410.

Special note: The extent and type of the groceries available for sale at a self-service only establishment must be determined to assign the appropriate classifications. Generally, if only convenience items such as oil, gas additives, cigarettes and snack foods such as candy, gum, chips, and soft drinks are available, classification 3409 would be allowed. However, if more than the items listed above are available such as milk, bread, canned food, or fast food service, classification 3410 would apply. Establishments with multiple

locations are to be classified in accordance with the general reporting rule covering the operation of a secondary business.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-58502 Classification 3410.

~~((Convenient grocery stores or mini-markets with self-service gasoline operations:))~~

3410-00 Convenience grocery stores or mini-markets with self-service gasoline operations

Applies to establishments engaged in operating convenience grocery stores or mini-markets with self-service gasoline operations. These establishments provide retail sale of convenience grocery items, not just snack items, in addition to self-service gasoline. Gasoline operations are limited to self-service only where the store employee is a cashier who monitors the pumps and collects the payments inside the store. Self-service/convenience store operations in classification 3410 differ from self-service gas stations in classification 3409 in that establishments in classification 3410 provide a more extensive line of grocery items. In addition to snack foods, staples such as bread, milk, and canned foods are available for sale. They may also prepare food such as sandwiches, chicken, jo jos, or hot dogs, and occasionally fill a customer's propane tank, all of which is included within the scope of this classification.

This classification excludes establishments which provide any full service or limited services in addition to self-service operations at the same location which are to be reported separately in classification 3406; establishments which provide only self-service gasoline operations and whose grocery items are limited to prepared snack foods such as chips and candy, and cigarettes which are to be reported separately in classification 3409; and convenience stores with no gasoline services which are to be reported separately in classification 6403.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-58503 Classification 3411.

~~((Automobile: Dealers—service centers, repair garages and lot personnel~~

~~Automobile: Rental agencies—service centers, repair garages and lot personnel~~

~~Automobile: Service centers, repair garages and lot personnel~~

~~Automobile: Specialty service shops such as but not limited to air conditioning systems, radiator repair, electrical systems, cruise controls, mufflers, brakes, sun roofs~~

~~Camper, travel trailer and canopy: Dealers—service centers, repair garages and lot personnel~~

~~Motor home or recreational vehicle: Dealers—service centers, repair garages and lot personnel~~

~~Motor home or recreational vehicle: Service centers, repair garages and lot personnel~~

~~This classification includes the incidental sales of auto replacement parts including related parts counter person-~~

~~nel; and passenger shuttle services done in connection with automobile dealer, rental or repair services~~

~~This classification excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing, N.O.C.;" tire sales, installation and repair which are to be reported separately in classification 6405; and sales, service and repair of diesel or gas tractor/semi-trucks which are to be reported separately in classification 3413. Establishments assigned to this classification whose operations include a full line auto replacement parts store or full line auto replacement parts department may qualify to have the parts store/department classified separately provided that the parts department employees are not exposed to any operative hazards of the service center or repair garage and all of the conditions set forth in WAC 296-17-390 have been met~~

~~For the purpose of this rule a "full line auto parts store or department" is an operation that sells a variety of auto replacement parts as opposed to single product line over-the-counter to nonrepair shop customers. To qualify for this classification "a full line auto parts store or department" must stock and sell all of the following items: Starters, carburetors; fuel injection components; gasket and seals; water pumps; generators; alternators; batteries; head lamps; mufflers and exhaust systems; brake components; oil and fuel filters; lubricants; steering and suspension components; and auto accessories:))~~

3411-00 Automobile: Dealers, service centers, repair garages; Automobile or recreational vehicle rental agencies

Applies to establishments engaged in the sales, servicing and repairing automobiles and trucks which they have sold, leased, or rented. Work contemplated by this classification includes, but is not limited to, all phases of automotive mechanical service and repair work, washing, vacuuming, and waxing vehicles, and automobile and truck detailing such as striping, window tinting, vinyl repair, installing molding and electronic accessories when performed by employees of an employer subject to this classification. This classification includes service managers, parts department employees who have shop exposure, towing service for in-shop repairs, lot personnel, and customer courtesy van or car drivers. Car rental or leasing employees who perform similar duties are also assigned to this classification. Recreational vehicle (motor home) dealers are assigned to this classification provided the dealer is not engaged in the sales of modular or mobile homes at the same location. For purposes of this classification the term "recreational vehicles" will also include travel trailers, campers, and canopies when sold by a dealer that also sells motorized recreational vehicles.

This classification excludes recreational vehicle dealers who also sell factory built housing units such as modular and mobile homes who are to be reported separately in classification 3415; parts department employees who are not exposed to any hazards of the repair shop who are to be reported separately in classification 6309; auto body shop employees who are to be reported separately in classification 3412; and automobile or truck sales employees who may be reported separately in classification 6301 provided all the conditions of the

general reporting rule covering standard exception employees have been met.

Special note: Used car dealers will normally not have repair garages or parts departments. They will however, have lot personnel and detailers. Car rental and lease agencies will normally have all the operations described above with the exception of parts department employees. New car dealers will routinely have all of the operations described above. Establishments engaged exclusively in truck canopy sales are to be reported separately in classification 1106. Establishments engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

3411-01 Automobile: Service centers, repair shops or garages

Applies to establishments engaged in servicing and repairing automobiles for others. Work contemplated by this classification includes, but is not limited to, all phases of automotive mechanical service such as engine overhauls and rebuilding, resurfacing heads, valve grinding, transmission overhauls or rebuilding, electrical repairs, brake service, engine tune ups, fuel injection service, carburetor repair, and engine diagnostic service when performed by employees of an employer subject to this classification. This classification includes service managers, parts department employees who have shop exposure, incidental sales of reconditioned cars, towing service for in-shop repairs, and customer courtesy van or car drivers. Parts department employees who are not exposed to any hazards of the repair shop may be reported separately in classification 6309.

This classification excludes auto body shop employees who are to be reported separately in classification 3412.

Special note: While most businesses assigned to this classification have an inventory of parts which they use in the service and repair of customer vehicles, some employers have full line auto parts stores. Care needs to be taken when considering assignment of classification 6309 for auto part sales. Only those businesses that have a full line auto parts store which is physically separated from the repair shop and whose sales of auto parts are primarily for off-premises repair (do it yourself repair) should be considered for classification 6309. This classification does not apply to auto repair shops that also sell and install tires on customer vehicles. See classification 6405 for auto repair shops that also sell and install tires. Establishment engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

3411-02 Automobile: Service specialty shops

Applies to establishments engaged in providing specialized automotive repair services such as air conditioning systems, muffler repair, cruise controls and electrical systems. Work contemplated by this classification includes, but is not limited to, inspection of vehicle components for wear, diagnostic analysis, and repair of various components such as

brakes and cooling systems, after-market installation of components such as cruise control, air conditioning systems, and sun roofs; and specialized repair services such as mufflers and transmissions. This classification includes service managers, part sales, towing service for in-shop repairs, and customer courtesy van or car drivers.

Special note: Businesses assigned to this classification will generally have an inventory of supplies and parts which they use in the service and repair of customer vehicles although some sales of parts and components may occur. This classification does not apply to any shop that sells and installs tires on customer vehicles. See classification 6405 for auto repair shops that also sell and install tires. Establishment engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-58504 Classification 3412.

~~((Automobile or truck: Body and fender/collision repair shops — including painting, incidental upholstery work and glass replacement and repair~~

~~This classification includes parts department personnel, parts runners and passenger shuttle service when performed by employees of an employer subject to this classification but excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing N.O.C."))~~

3412-00 Automobile and truck: Body and fender repair shops

Applies to establishments engaged in repairing and refinishing automobile and truck body panel components for others. Work contemplated by this classification includes, but is not limited to, all phases of auto body repair work and panel replacement, finish removal, sandblasting or plastic medium blasting, painting, washing, vacuuming, and waxing vehicles, glass repair, upholstery work, and automobile and truck detailing such as striping, vinyl repair, window tinting (applying film to windows), installation of body and wheel molding and sunroofs, incidental glass repair or mechanical repair associated with a collision repair or car restoration, and installation of electronic accessories when performed by employees of an employer subject to this classification. The repair of fiberglass or sheet metal boat bodies and spray-on pickup truck bedliners is also included in this classification. This classification includes shop managers, parts and paint mixing department employees, towing service for in-shop repairs, incidental sales of rebuilt cars and trucks, and customer courtesy van or car drivers. Estimators may be reported separately in classification 6303 provided all the conditions of the general reporting rule covering standard exception employees have been met.

This classification excludes the routine servicing or repair of automobiles or trucks not done in conjunction with collision repair or car restoration which is to be reported sep-

arately in classification 3411; the servicing or repair of mechanical or electrical systems in boats which is to be reported separately in classification 3414; and the repair of wooden boats which is to be reported separately in classification 2903.

Special notes: Auto body shops will routinely have a physically separate area where they store and mix paints. The separate paint storage and mixing area is generally a requirement of local fire codes and insurance policies. This separate area does not constitute a separate operation subject to a different classification. Some shops may also carry an inventory of repair panels, trim pieces and molding. Regardless of the volume of parts and supplies it is included within the basic scope of classification 3412. Establishment engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

Care must be taken in assigning classification 3411-01 to an establishment engaged in body and fender repair. An establishment *could* have both classifications 3411 and 3412 if they also provide routine mechanical or electrical repair services *not* in conjunction with collision repair or car restoration.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-58505 Classification 3413.

~~((Semi truck: Service centers or repair garages and lot personnel~~

~~Bus—passenger type: Service centers or repair garages and lot personnel~~

~~Semi tractor: Service centers or repair garages and lot personnel~~

~~Farm tractor and equipment: Service centers or repair garages and lot personnel~~

~~Construction equipment: Service centers or repair garages and lot personnel~~

~~This classification only applies to businesses that provide vehicle and equipment repair services to the general public but is not applicable to an employer who operates or maintains a shop for the repair or maintenance of their own equipment or vehicles or to vehicle and equipment dealers who are to be reported separately in the classification applicable to the employer's business or as otherwise provided for in the general reporting rules contained in this chapter. This classification includes parts department personnel and parts runners when performed by employees of an employer subject to this classification but excludes tow truck operations which are to be reported separately in classification 1109 "automobile or truck towing N.O.C.")~~

3413-00 Bus, semi tractor, farm tractor, construction equipment; Service centers or repair garages

Applies to establishments engaged in servicing and repairing transportation, freight hauling, farm or construction equipment for others. Work contemplated by this classifica-

tion includes, but is not limited to, all phases of mechanical service such as, but not limited to, engine overhauls and rebuilding, resurfacing heads, valve grinding, transmission overhauls or rebuilding, electrical repairs, brake service, engine tune ups, fuel injection service, carburetor repair, and engine diagnostic service when performed by employees of an employer subject to this classification. This classification includes service managers, parts department employees, lot personnel, towing service for in shop repairs, incidental sales of reconditioned equipment, and customer courtesy van or car drivers.

Special note: Establishments engaged in providing towing service for hire are to be reported separately in classification 1109. For purposes of this classification "towing for hire" means a towing service not performed in connection with repairs to be done by the repair shop.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-58506 Classification 3414.

~~((Boat dealers—including service centers or repair garages, lot personnel and parts departments~~

~~Marinas and boat house operations—including service centers or repair garages, lot personnel and parts departments-))~~

3414-00 Boat dealers

Applies to establishments engaged in the sales, service, and/or repair of boats. Work contemplated by this classification includes, but is not limited to, mechanical and electrical system repairs, vinyl and glass repairs, engine rebuilding and reconditioning, detailing boats, reconditioning seat pads and other accessories, sales and installation of boat accessories, and sales of boat trailers, specialty apparel and fishing gear when performed by employees of an employer subject to this classification. This classification also includes parts department employees, sales employees who also assist in duties described in this classification, and lot personnel.

This classification excludes boat sales personnel who may be reported separately in classification 6301 provided all the conditions of the general reporting rule covering standard exception employees have been met; repairs done in connection with manufacturing operations which are to be reported separately as applicable; and establishments engaged in the repair of fiberglass or sheet metal boat bodies which are to be reported separately in classification 3412.

3414-01 Marinas and boat house operations: Boat storage facilities

Applies to establishments engaged in providing a variety of boat-related services and facilities, and to service or repair centers. Boat storage facilities may be located in waterways adjacent to the marina or on dry land and may be operated by a marina or by a separate business. Both types of storage facilities are included within the scope of this classification. Work contemplated by this classification includes, but is not limited to, fuel service, mechanical and electrical repair service, parts departments, boat storage, moorage, sales of fishing gear, wearing apparel, groceries and bait, boat rentals and sales, and boat launching facilities when performed by employees of an employer assigned to this classification.

This classification also includes other incidental services and facilities such as, but not limited to, self-service laundry facilities, public showers, holding tank pump out stations, passenger car or truck parking, and dockside electricity.

This classification excludes repairs done in connection with manufacturing operations which are to be reported separately as applicable: establishments engaged in the repair of fiberglass or sheet metal boat bodies which are to be reported separately in classification 3412; seafood or fish processing facilities operated in connection with a marina operation which are to be reported separately in classification 3304; and boat sales personnel who may be reported separately in classification 6301 provided all the conditions of the general reporting rule covering standard exception employees have been met. Overnight lodging facilities and restaurant services provided to customers by a marina operator may be reported separately provided all the conditions of the general reporting rule covering a secondary business have been met.

Special note: Some marina operators will offer boating instructions and charter boat services. Care should be taken in this area as certain boating and charter fishing excursions are not covered by state workers' compensation coverage.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-58507 Classification 3415.

((Modular and mobile home dealers

This classification includes parts department and service center employees; and the sales of campers, travel trailers and truck canopies when conducted in connection with a mobile or modular home dealership or sales agency. Also included within the scope of this classification is the installation of canopies when performed by employees of an employer subject to this classification and mobile or modular home delivery when done by employees of the modular or mobile home dealer. This classification excludes the delivery and set up of mobile or modular homes by nondealer employees; and all on-site construction activities such as but not limited to pouring foundations, constructing decks, carports or garages, and landscaping which are to be reported separately in the classification applicable to the work being performed.))

3415-00 Factory built housing dealers

Applies to establishments engaged in the sales and service of factory built housing units such as mobile/manufactured homes or modular homes. Work contemplated by this classification includes pick up of units from housing factory, set up of units at sales lot or customer locations, installation of skirting, aligning cabinets and doors, and touch up painting when performed by employees of an employer subject to this classification. This classification also includes parts department employees, sales employees who assist in duties described in this classification, and lot employees engaged in the maintenance of grounds or in the maintenance of factory built home units on display at the lot.

This classification excludes delivery of factory built home units and set up by contractor which is to be reported separately in classification 0517; employees involved in

work such as, but not limited to, concrete work, electrical, plumbing, landscaping, and fence construction who are to be reported separately in the construction classification applicable to the work they are performing; and modular or mobile home sales personnel who may be reported separately in classification 6301 provided all the conditions of the general reporting rule covering standard exception employees have been met.

Special note: Construction of separate out-buildings such as garages, carports, well houses and storage sheds which may be constructed in connection with a modular or mobile set up are excluded from this classification and are to be reported separately in the applicable construction classification. Establishments engaged exclusively in the delivery of modular or mobile homes, but who are not involved in any aspect of the set-up of the structure, are to be reported separately in classification 1102.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-586 Classification 3501.

((Brick or clay products manufacturing, N.O.C. Refractory products, fireproofing tile, flue lining and roofing tile manufacturing

This classification does not apply to the production of raw materials for use in the manufacture of the above articles.))

3501-00 Brick or clay products, N.O.C: Manufacturing

Applies to establishments engaged in the manufacture of brick or clay products not covered by another classification (N.O.C.), such as, but not limited to, drainage or roofing tiles, building or paving bricks, wall copings, glazed or unglazed sewer or drain pipes or conduits, or similar products which are generally for industrial or construction use. Clay, which is any earth that forms a paste when added to water and hardens when heated, is widely used in making bricks and other products as described above. Brick is a molded rectangular block of clay, baked by the sun or in a kiln until hard. Similar products made of earthenware, which is a variety of coarse, porous baked clay, are included in this classification. To make bricks, clay is broken up by dry-pan grinders. After grinding, the particles pass through any one of several types of screens used for separating and grading. The mixture is fed through a pug mill to be cut and mixed then mixed with water to the desired consistency. After tempering, the pug mill extrudes a column of clay through a die, which shapes and determines the dimensions of the brick. A rotating wire cutter slices the column into proper thicknesses. Bricks are either machine molded or hand molded. The "green" bricks must be dried by sun and air, or in natural gas or electric-fired regulated kilns prior to firing. Firing dehydrates, oxidizes, and vitrifies the bricks. To make other products, clay is mixed with sand or shale, ground in a mixing machine and water is added. The liquid substance is mechanically poured into standard or specially shaped molds. All products are dried by natural warm air or steam heat. After removal from the molds, products are baked in kilns. If glazing is desired, salt is added to the kiln; the salt vaporizes and coats the prod-

ucts. To produce a greater degree of concentration, pressing or repressing operations may be performed, usually with hydraulic presses, subsequent to the actual formation of the products.

This classification excludes the production of raw materials which is to be reported separately in the applicable mining, quarrying or excavation classification; installation or erection of any products manufactured by establishments in this classification which is to be reported separately in the classification applicable to the type of construction or installation work being performed; the manufacture of household or decorative pottery items, including tile, which is to be reported separately in classification 3503; and the manufacture of statuary and ornamental items from concrete or plaster which is to be reported separately in classification 3509.

Special note: Clays are generally mined by the open-pit method. After clay has been extracted, it may be stockpiled inside for use during inclement weather. In most cases, the manufacturing of brick takes place alongside the extraction site. Clay is delivered to the manufacturing site only when clay of a different characteristic is needed to blend with the "home" clay.

3501-01 Refractory products: Manufacturing

Applies to establishments engaged in the manufacture of refractory products such as, but not limited to, fireproofing tile or bricks, roofing tile, flue lining, boiler or stoker tiles, enameled bricks, retorts, kiln parts, or crucibles from refractory clays with or without other refractory materials. Refractory clays are resistant to heat. Refractory materials, such as alumina, silica, and magnesite, dolomite, bauxite, do not significantly deform or change chemically in high temperatures. Usually all types of refractory products are produced in the same plant. Clay and other materials are ground, screened and mixed with water in a mixing machine. The partly fluid substance is poured into molds to form the product. After removal of the forms, items are kiln dried. The enamels are vitreous coatings produced from solutions of chemicals, salt, lead oxide or tin, into which the brick is dipped. Enameled brick requires two or three kiln burns.

This classification excludes the production of raw materials which is to be reported separately in the applicable mining, quarrying or excavation classification; installation or erection of any products manufactured by establishments in this classification which is to be reported separately in the classification applicable to the type of construction or installation work being performed; the manufacture of household or decorative pottery items, including tile, which is to be reported separately in classification 3503; and manufacture of statuary and ornamental items from plaster or concrete which is to be reported separately in classification 3509.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-587 Classification 3503.

((Potteries, glazed or porcelain, earthenware manufacturing
Chinaware, tableware, decorative or architectural terra cotta
manufacturing
Decorative tile, clay tobacco pipes, manufacturing

Glassware manufacturing, N.O.C. including stained or leaded glassware manufacturing

Glass manufacturing, N.O.C.

Agate or enamel ware manufacturing

This classification does not apply to the production of raw materials for use in the manufacturing of the above articles.))

3503-17 Pottery, earthenware, ceramics, porcelain or china: Manufacturing

Applies to establishments engaged in the manufacture of a wide variety of household or decorative items such as earthenware, pottery, ceramics, porcelain or china. Casting and throwing are the most common techniques. Other techniques include pressing, extrusion and sculpturing. Finished products include, but are not limited to, pots, bowls, dishes, plates, cups, cookie jars, vases, dolls, tobacco pipes, and novelty items. Materials include clay, sand, fluxing agents, paints, and glazing compounds. Machinery includes, but is not limited to, hand tools, potter's wheels, kilns, and plaster molds. In the casting method, clay is mixed with water and other additives until it is about the consistency of thick cream (called slip). The molds are closed shut and secured; then the slip is poured into them through a small hole at the top, and left in the mold to dry for a short time then poured out, leaving a hollow product to fire. In the throwing method, the clay mixture is placed on a potter's wheel and molded by hand as the wheel slowly turns. The pressing technique forces relatively dry clay into molds under substantial hydraulic pressure, which makes it hold its shape until fired. Extrusion forces a ribbon of clay through specially shaped dies, then it is cut with wire to create the final form. Sculpturing is hand carving wet clay to the desired dimensions. The resulting greenware from any method may be sanded, then further dried and fired in a small kiln. Most of the items will be glazed and refired several more times, depending on the desired end result. Prior to glazing, products may be decorated by hand painting designs on them. Most of the establishments in this classification are small shops that make the products they sell, either at their shop or occasionally at craft fairs. The teaching of classes and the incidental sale of ceramic and pottery making supplies or tools to home crafters is included within the scope of classification 3503-17. This classification includes establishments that only make molds by casting shapes in plaster, most of which they sell to ceramic shops for use in casting greenware.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; manufacture of decorative tile which is to be reported separately in classification 3503-19; manufacture of brick or concrete products such as, but not limited to, brick or clay pipe and concrete tile which is to be reported separately in the classification applicable to the work being performed; and establishments whose primary business is the sale of supplies used for crafts or hobbies which are to be reported separately in classification 6309.

Special note: Care must be taken when considering classifications 6309 or 3503. Classification 6309 is to be assigned to establishments whose primary business is the sale of supplies such as, but not limited to, ceramic and pottery making materials or tools. Classification 6309 does not cover

the manufacture, fabrication or assembly of craft or hobby items for sale, but includes the teaching of classes and the assembly of an individual piece or two for display.

3503-19 Decorative tile: Manufacturing

Applies to establishments engaged in the manufacture of decorative tile from cement or various clay mixtures. Raw materials include clay, sawdust, straw, coal dust, sand, and glazing compounds. Machinery includes, but is not limited to, hand tools, hydraulic presses, automatic grinding and polishing machines, hand grinding and polishing stones and laps, batch mixers, molds, hand trucks, kiln ovens and steam curing rooms. Cement tiles are usually pressed on hydraulic presses, kept wet until cured, then ground to size with a diamond wheel and polished. To make cast clay tiles, clay is mixed with water and other ingredients, ground to desired fineness, screened, then poured into molds to dry. After drying, tiles are removed from molds and fired in a kiln oven, then glazed. Tile glaziers apply designs to bisque tile by hand or with a silk screen process, then glaze and fire it in a kiln one or more times. This classification includes the manufacture of decorative artificial rock or brick used as trimming around fireplaces, stoves, or on walls. To make artificial rock or brick, coloring is added to a mixture of cement and aggregate; the mixture is poured into molds. After the mixture has set, the piece is removed from the mold and cured.

This classification excludes the mining, digging or quarrying of the raw materials which is to be reported separately in the applicable classification; the manufacture of pottery, earthenware, ceramics, porcelain or china which is to be reported separately in classification 3503-17; and the manufacture of brick or concrete products such as brick or clay pipe and concrete blocks or stepping stones, drain tile, beams which is to be reported separately in the classification applicable to the work being performed.

3503-20 Stained or leaded glassware, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of stained or leaded glassware not covered by another classification (N.O.C.) including, but not limited to, windows, tiffany style or plain glass lamp shades, terrariums, or decorative items such as aquariums, shadow boxes, mirror picture frames or figurines. Much artistic hand labor is involved in making stained glass items. Pattern paper, masking tape, kerosene, wire solder, putty, and H-lead came (slender, grooved bars) are received from others. Individual pieces of a design are cut to pattern out of stained glass; pieces may be ground for a precision fit on an emery or diamond wheel. Individual segments are pressed into the channels of the lead came; joints are fluxed, soldered and putty is pushed into any open spaces between the glass and the comes. The finished piece is smoothed and cleaned with kerosene. While lead comes are more widely used, copper foil may be used instead of lead. Manufacturers may also paint on glass and fire it in a kiln; this is most often done for stained glass window insets. Employers subject to this classification may repair items such as stained glass windows. If the repair requires bent or shaped glass, they make a mold and heat the replacement glass in a kiln oven until it "slumps" or bends to the shape of

the mold. Most manufacturers in this state purchase their stained glass from others; however, the manufacture of stained glass is contemplated within the scope of this classification. Raw materials such as, but not limited to, sand, soda ash, and metal oxides are melted in a furnace and the molten glass is either rolled into sheets by machine or blown into long balloon shapes that are slit open and flattened by reheating. Color may be added to the surface while it is still molten. Some incidental manufacturing of insulated glass, such as sandwiching leaded glass between two sheets of clear glass, is included within the scope of this classification, but production line manufacturing of insulated glass is to be reported separately in classification 1108. Most of the establishments in this classification are small shops that make the products they sell, either at their shop or occasionally at craft fairs. The teaching of classes and the incidental sale of supplies or tools used to make glassware items to home crafters is included within the scope of this classification.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; establishments that manufacture optical goods or telescopes, or perform precision grinding of blank or rough lenses, which are to be reported separately in classification 6604; establishments engaged in etching, frosting, sandblasting, carving, grinding, and beveling glass which are to be reported separately in classification 1108; establishments engaged in melting or blowing glass which are to be reported separately in classification 3503-21; and establishments whose primary business is the sale of supplies used for crafts or hobbies which are to be reported separately in classification 6309.

Special note: Care must be taken when considering classifications 6309 or 3503. Classification 6309 is to be assigned to establishments whose primary business is the sale of supplies such as, but not limited to, materials or tools used to make glassware items. Classification 6309 does not cover the manufacture, fabrication or assembly of craft or hobby items for sale, but includes teaching of classes and the assembly of an individual piece or two for display.

3503-21 Glassware, N.O.C.: Manufacturing; Melting, blowing, and forming hot glass

Applies to establishments engaged in manufacturing housewares, decorative and specialty items not covered by another classification (N.O.C.) from hot glass using methods that include melting, blowing, or forming. Items include, but are not limited to, tableware, bakeware, perfume bottles, candlestick holders, kerosene lamp chimneys, auto headlight lenses, radio insulators, doorknobs, paperweights, and ashtrays. Machinery includes, but is not limited to, hand tools, glass melting furnaces, annealing ovens, mixing machines, ball mills, glass cutting diamond saws, glass grinding wheels and discs, glass polishing laps, drill presses, steel cutting saws, arc and gas welders, forklifts, overhead cranes or hoists. Some shops make their glass from raw materials including oxides, volcanic ash, soda ash, silica sand, lime, phosphate, or borax which are received from outside sources. Others will heat glass chips (frit) in a furnace, and work the molten glass into decorative or functional shapes by molding or blowing. The molten glass is poured into molds to make

products such as, but not limited to, heavy glass for special purpose windows up to about eight inches thick. Molten glass may also be poured into cold water to make "frit" which is either sold or used for further processing. The molten glass can also be formed in a mouth-blowing process or by semiautomatic blowing machines. A glass blowing process will usually have a helper working with each glass blower. The helper's duties include preliminary glass gathering and blowing, adding colored glass "ribbons" to the item being blown as the glassblower turns it, shaping items being blown with wooden or metal tools, and placing the blown object in an annealing oven to be reheated and cooled slowly to relieve internal stress in the glass. When glass reaches room temperature, it is often cut on diamond wheels or ground down and polished on a series of wheels, stones, and laps. This work is normally done under a continuous water bath which may include grinding or polishing compounds.

This classification excludes the mining, digging or quarrying of raw materials which is to be reported separately in the applicable classification; establishments engaged in manufacturing stained or leaded glassware which are to be reported separately in classification 3503-20; establishments that manufacture optical goods or telescopes, or perform precision grinding of blank or rough lenses, which are to be reported separately in classification 6604; and establishments engaged in etching, frosting, sandblasting, carving, grinding, and beveling glass which are to be reported separately in classification 1108.

3503-23 Agate or enamel ware: Manufacturing

Applies to establishments engaged in enameling or porcelainizing products they have made or products made by others. Enamel is defined as a vitreous, usually opaque, protective or decorative coating baked on metal. Enamelled products vary widely, including but not limited to, signs, cookware, items made from ceramics or clay, stove parts, or small parts for automobiles, to sewer pipe, automobile manifolds, or irrigation water gauges. Machinery includes, but is not limited to, ball mills, silk screen equipment, blenders or mixers, scales, kilns, degreasing and acid etching tanks, spray guns, heaters, conveyors, and fork lifts. The enameling process is essentially the same regardless of the product. Ceramic balls and frit (small glass chips) are placed in the ball mill. (A ball mill is a metal drum lined with rubber.) As the drum rotates, the balls roll over the frit, gradually grinding it into powder. Some enameling shops purchase the powder ready-made. To obtain desired colors, various mixes of glaze powders are prepared and placed on 1" to 2" square metal chips and baked in a small kiln. When the formulas are ready for all colors required, the job goes to the production line. The object to be glazed is cleaned, degreased, and given an acid bath if necessary, then rinsed and dried. The enamel (or porcelain) glaze may be applied by hand, silk screened on, or sprayed on with a spray gun. After the coating has air-dried, the piece heated in a kiln to melt the ceramic powder and fuse it to the surface; then cooled. Items may require repeated coatings and firings.

This classification excludes the manufacture of enamelled brick which is to be reported separately in classification 3501.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-590 Classification 3506.

((Concrete pump truck service—including pump truck control box operator. This classification does not apply to a redi mix concrete dealer that may also provide a concrete pump truck service in connection with concrete delivery which is to be reported separately in classification 3101—Mobile crane and hoisting services; and rigging contractors, N.O.C. This classification does not apply to the construction or erection of nonmobile cranes which are to be reported separately in classification 0508 or to construction or erection contractors that use cranes, hoisting devices or rigging in connection with work covered under a construction classification which are to be reported separately in the applicable construction classification.))

3506-02 Mobile crane and hoisting services; Rigging contractors, N.O.C.

Applies to establishments engaged in mobile crane and hoisting services and rigging contractors not covered by another classification (N.O.C.). There are many types of cranes and derricks, both stationary and nonstationary. A mobile crane is a tire-mounted machine for hoisting and moving heavy objects by cables attached to a moveable boom. Rigging consists of a system of ropes, chains, cables, or tackle used for support. Generally, these types of establishments respond to and service customer requests such as righting an overturned tractor trailer, hoisting a large bell, or placement of a satellite dish on top of a building. In addition, mobile crane businesses often maintain a variety of nonmobile cranes and derricks such as those used for construction of tall buildings or structures. This classification includes transporting of a nonmobile crane or derrick to and from a customer site, but excludes the set up or erection, operating, and disassembling of the unit.

This classification excludes the construction or erection of permanent nonmobile cranes (such as those permanently mounted at a manufacturing plant or seaport to load cargo) which are to be reported separately in classification 0508; and the set up, erection, operating, and disassembling of cranes, hoisting devices or rigging in connection with work covered under a construction classification which are to be reported separately in the construction classification applicable for the work being performed.

Special note: This classification includes mobile crane and hoisting businesses when providing a service at a construction site such as lifting an air conditioning unit to a building top, and provided the crane operator is an employee of the crane and hoisting business.

3506-03 Concrete pump truck service

Applies to establishments engaged in concrete pump truck services, including the pump truck control box operator. A concrete pump truck is a large vehicle equipped with an adjustable boom spanning approximately 65' in length equipped with a flexible 4" hose running alongside the boom. This type of vehicle is different from a concrete ready mix truck which mixes the concrete in a rotating or revolving

drum prior to arriving at the project site and discharges the mix with use of a metal shoot. A concrete pump truck is designed to pump concrete into areas which are difficult for a concrete ready mix truck to reach such as a tall retaining wall, the foundation of a building or structure many feet below ground level, or into an area with limited access. Concrete is fed into the bed of the pump truck (usually by a ready mix concrete truck). The driver of the pump truck also operates the control box which adjusts the boom and amount of concrete mix to discharge. The control box operator receives instructions from a construction worker overseeing the concrete pour.

This classification excludes ready mix concrete dealers who deliver concrete who are to be reported separately in classification 3101 and all other concrete construction activities occurring at the project site which are to be reported separately in the classification applicable to the construction work being performed.

Special note: This classification is limited to the concrete pump truck driver and operation of the control box. Construction workers at the project site, such as workers who are positioning and repositioning the end of the boom which discharges concrete, or workers who provide instructions with use of a headset to the control box operator, or workers who are spreading the concrete as it is poured, are to be reported separately in the classification applicable to the construction work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-59201 Classification 3509.

((Plaster/concrete-statuary or ornament-manufacturing-))

3509-01 Statuary and ornament: Manufacturing

Applies to establishments engaged in the manufacture of decorative statuary, and other ornamental items including, but not limited to, planters and fountains, lawn and garden furniture, patio blocks and stepping stones, grills, and cornices. Materials such as, but not limited to, plaster, concrete, hair, wood fiber, powdered lime, sand, gravel, cinders, aggregates, mesh wire and reinforcing rods, and certain plastics are received from outside sources. Depending on the item being made, various ingredients are mixed together and cast in metal or rubber molds or in forming machines. After being removed from the molds or forms, they are dried and stored until cured. After curing, items may be sanded and smoothed with grinders, or carved by hand; some may be painted or coated with a clear finish, or designs hand painted on. Such finishing work is included within the scope of the classification when performed by employees of employers subject to this classification.

This classification excludes the mining, digging, quarrying, or manufacturing of raw materials which are to be reported separately in the applicable classification; the manufacture of decorative tile which is to be reported separately in classification 3503; and the manufacture of concrete blocks, bricks, poles, piles, tile, beams, sewer and irrigation pipe, and septic tanks which is to be reported separately in classification 3105.

Special note: This classification differs from classification 3105 "concrete blocks, sewer pipes" in that products manufactured in classification 3509 are for decorative purposes, are usually lighter weight, and have smoother or more perfect finishes than the concrete products manufactured in classification 3105 which are rough, do not require perfect finishes, and are generally for construction use.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-59202 Classification 3510.

((Artificial-marble: Manufacturing

Graphite composite goods: Manufacturing such as but not limited to garden carts, hose reels, auto parts, basketball back boards and fishing poles or rods

Plastic goods: Manufacturing—using processes such as but not limited to blow molding, extrusion vacuum forming, foam molding, rotary molding, liquid molding, and injection molding

Plastic goods, N.O.C.: Manufacturing-))

3510-02 Plastics: Artificial marble manufacturing

Applies to establishments engaged in the manufacture of plastic articles by molding a calcium carbonate material mixed with feed stock, a catalyst and dyes which are purchased from outside sources. When this material solidifies it resembles marble, and is used to make counter tops, sinks, novelty items such as, but not limited to, soap dishes, clock cases, and statues. Raw materials are mixed in large mixers until it has the consistency of bread dough. A release agent is sprayed onto empty molds so the finished items can be easily removed after they are set; then the mixture is poured directly into molds, placed into molds by hand, or forced into molds under pressure. The materials are cured at room temperature or with moderate heat (up to 140 degrees F). When the material has hardened, items are removed from the molds and trimmed, sanded or otherwise finished. Sanding may be done with power rotary sanders which create clouds of dust and require the use of respirators.

This classification excludes establishments engaged in the manufacture of a plastic product by any other method which are to be reported separately in the appropriate classification; establishments engaged in the manufacture of graphite composite goods which are to be reported separately in classification 3510-08; and the manufacture of fiberglass goods which are to be reported separately in classification 3511.

3510-03 Plastics: Extrusion, blow molding

Applies to establishments engaged in the manufacture of plastic articles by blow molding or extruding. Processes vary, but all usually require the heating and melting of feed stock and mixing of other additives purchased from outside sources. Extrusion involves forcing material through dies; blow molding blows a bubble of plastic into the air and processes it through machinery, or forms an object in a mold by blowing air and material into it. Plastic items such as containers for milk, motor oil, bleach, or other liquids are typically made with a blow molding process, which is a fast, high volume operation. A bubble of molten plastic is blown into a

mold and expanded to the shape of the mold with compressed air. The mold is kept cool with a liquid coolant that circulates through its cavities; when hot plastic is pressed against the mold, it cools and hardens in seconds. Sheets of plastic film are usually made by extruding a tube of hot plastic, expanding it with air pressure, then passing it through a series of rollers and cutters which roll it flat and cut it into two separate sheets. Plastic film is used for making plastic bags and other products. This classification includes the manufacture of plastic bags when the extrusion of plastic sheets is performed by employees of the plastic bag manufacturer. Other extrusion processes are used in the manufacture of window frame molding, gutters, pipe, and similar items.

This classification excludes establishments engaged in the manufacture of a plastic product by any other method which are to be reported separately in the appropriate classification; establishments engaged in the manufacture of graphite composite goods which are to be reported separately in classification 3510-08; and the manufacture fiberglass goods which are to be reported separately in classification 3511.

3510-04 Plastics: Vacuum forming

Applies to establishments engaged in the manufacture of plastic goods through a vacuum forming process. Articles manufactured by this method include, but are not limited to, signs, display stands, windshields for boats and motorcycles, boat paddles, skylight windows, trays for packaging food or other items. Sheet goods are heated in an oven or in the molding area, and a vacuum is pulled on the mold, sucking the plastic in to conform to the shape of the mold. Items produced by this method harden and cool in a few minutes. In other techniques, liquid plastic is poured into a mold, a seal of mylar plastic is placed over it, then a vacuum is pulled on the mold forming the liquid to the mold. This method produces a smooth, glossy surface similar to those produced by injection molding, but without the high-cost machinery. For either method, once the plastic material hardens, the "flashing" (excess plastic) is trimmed from the formed article. This is called "deflashing" and may be done with a hand-held knife, a router, or a lathe. There is some assembly in certain manufacturing operations such as attaching components with screws, rivets, bolts, or glue, which is incidental to the manufacturing process and is included in the classification.

This classification excludes establishments engaged in the manufacture of a plastic product by any other method which are to be reported separately in the appropriate classification; establishments engaged in the manufacture of graphite composite goods which are to be reported separately in classification 3510-08; and establishments engaged in the manufacture of fiberglass goods which are to be reported separately in classification 3511.

Special Note: The painting or lettering of signs is included in the plastic goods manufacturing classification when done by employees of an employer making signs. Establishments that purchase premanufactured plastic "mediums" from others, then paint lettering or designs or attach vinyl lettering to them in their own shops are to be reported separately in classification 4109.

3510-05 Plastics: Foam molding, rotary molding, liquid molding

Applies to establishments engaged in the manufacture of plastic goods through foam molding, rotary molding or liquid molding processes. Raw materials, which may be received in barrels, drums, or rail cars, include, but are not limited to, small plastic beads, powder, pellets or liquids, and foaming agents. Establishments in this classification will frequently employ laboratory employees such as chemists or chemical engineers to formulate their own plastic compounds to meet specifications as to rigidity, flexibility, or fire retardation. Liquid polymer is mixed with one or more ingredients, in some cases including a foaming agent, then heated to control the foaming action. It may be forced through pipes or hoses from a dispensing machine into the mold, or workers may carry it in buckets from the mixing pot and pour it into the molds. The top of the mold is put in place and secured. Heat and air pressure is applied inside the mold, which causes the foam to rise and form the shape of the object being made. Workers may wear respirator masks during this phase. The mold may be lined with vinyl or other fabric, or wire frames may be placed inside the molds when making items such as armrests, cushions, dashboards for vehicles, boats, or aircraft. Goods usually set overnight, then the flashing (excess plastic) is trimmed off. Liquid plastic, such as urethane, without a foaming agent, is also used to make products that are extremely tough. Products made from this type of liquid mixture include, but are not limited to, parts for aircraft or industrial machinery. Liquid mixtures are poured into molds and cured in ovens. Styrofoam products such as, but not limited to cups or plates, packaging materials are made from small styrofoam beads that are expanded by heating, then forced or blown into a mold and heat-expanded to form the product. Logos or brand names may be printed onto the products with a special offset press. Rotary molding is used for large hollow items like garbage cans or buckets. Plastic powder, mixed with color, is poured into molds; molds are closed and moved on a rotating arm through a large oven in a tumbling action while the mold heats. The plastic powder sticks to the inside of the mold and melts. The mold is removed from the oven while still tumbling, and air and/or water cooled. Finished products are then removed from the molds.

This classification excludes establishments engaged in the manufacture of a plastic product by any other method which is to be reported separately in the appropriate classification; establishments engaged in the manufacture of graphite composite goods which are to be reported separately in classification 3510-08; and the manufacture of fiberglass goods which are to be reported separately in classification 3511.

3510-06 Plastics: Injection molding

Applies to establishments engaged in the manufacture of plastic goods through an injection molding process. Articles made by injection molding range widely; they include, but are not limited to, key chain holders, writing pens, combs, medicine bottles, novelty items, sporting goods, and cargo baskets for industrial use. The size of injection molding machines ranges widely, depending on the products being made. Raw materials, which are usually in the form of tiny

plastic beads, are received from outside sources in barrels, drums or rail cars. The pellets are placed in a dryer to remove any moisture, then fed through a hopper on the injection molding machine into an air-free chamber where they are melted at high temperatures, then forced with an auger-type screw, ram piston or similar device, into the mold. The mold is cooled by a coolant to allow the plastic to solidify rapidly. When solidified, the item is ejected from the mold by air pressure, hydraulics, or a mechanical ram. Items may be trimmed, polished, assembled, plated, or otherwise finished. Establishments in this classification may make molds for their own use, or the customer brings molds for specific items they order. The manufacture or repair of their own or their customer's molds is included within the scope of this classification when done by employees of an employer subject to this classification.

This classification excludes establishments engaged in the manufacture of a plastic product by any other method which are to be reported separately in the appropriate classification; establishments engaged in the manufacture of graphite composite goods which are to be reported separately in classification 3510-08; and the manufacture of fiberglass goods which are to be reported separately in classification 3511.

3510-07 Plastics: Manufacture, N.O.C.

Applies to establishments engaged in the manufacture of plastic goods not covered by another classification (N.O.C.) using several of the operations described in the other plastics manufacturing classifications, but not having one predominate process. This classification could include the application of fiberglass resins with a brushing or spreading technique (sometimes referred to as "lay-up"). In the lay-up method, fabric is fitted over molds, then layers of fiberglass resins, hardeners, and fillers are applied over the fabric with a brush or trowel. In some applications, a thin foam material is fitted into a mold, then covered with fiberglass resins and hardeners; when the product is removed from the mold, the other side is coated, producing an exceptionally strong, lightweight product. Once removed from the molds, items are heated in ovens to harden and set. This classification also includes establishments that make pellets (feed stock) from recyclable plastic goods. Scraps or recyclable goods are ground or pulverized, then formed into pellets which can be used again in manufacturing processes, or further processed into oil by other manufacturers.

This classification excludes establishments engaged in the manufacture of a plastic product by any other method which are to be reported separately in the appropriate classification; establishments engaged in the manufacture of graphite composite goods which are to be reported separately in classification 3510-08; and establishments engaged in the manufacture of fiberglass goods which are to be reported separately in classification 3511.

Special notes: When the manufacture of plastic goods includes any fiberglass work using the spraying technique with a chopper gun, the entire operation is to be reported separately in classification 3511. Incidental hand brushing or troweling of fiberglass resins or epoxy over a fabric or foam material, is sometimes an integral part of manufacturing pro-

cesses covered under other manufacturing classifications. A review of the manufacturing process must be made to determine the proper classification applicable to that manufacturing process.

3510-08 Graphite composite goods: Manufacturing

Applies to establishments engaged in the manufacture of fiber reinforced plastic goods. Products manufactured by establishments subject to this classification include, but are not limited to, golf club shafts, fishing poles and rod blanks, garden carts, hose reels, wind board sail masts, bicycle frames, tennis racquets, snow skis and auto parts. While the classification specifies graphite composite goods, other fiber reinforced plastics are used to make similar products and are covered by this classification. Graphite composites are also known as carbon reinforced composites. Irrespective of the product made, the processes used to produce the end products are similar. For example, the making of tube-like products such as, but not limited to, golf shafts, wind board sail masts, and fishing poles, consists of cutting a fabric-like material which is purchased from others to the specified dimension needed to make the product; rolling the material onto a mandrel (rod) or wrapping the material around a mold; securing the fabric material with a plastic (cellophane) tape; curing the product in an oven; removing the cellophane wrap; removing the mandrel or mold; sanding the product to remove the lines left by the cello wrap; and applying the finish.

This classification excludes the manufacture of nonfiber reinforced plastic goods or products which are to be reported separately in classification 3510 as applicable; fiberglass reinforced goods or products which are to be reported separately in classification 3511; and plastic goods manufacturing from premanufactured components including the cutting, bending and milling of plastic which are to be reported separately in classification 3512.

Special note: Care should be taken when encountering the term "graphite composite." Graphite is a material common to many products such as, but not limited to, lead pencils, paints, lubricants and protective coatings, none of which are covered by classification 3510.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-59203 Classification 3511.

((Fiberglass goods: Manufacturing, N.O.C.))

3511-02 Fiberglass goods: Manufacturing, N.O.C.

Applies to establishments engaged in the manufacture of a wide variety of fiberglass goods not covered by another classification (N.O.C.) including, but not limited to, hot tubs, swimming or wading pools, boat hulls, chair frames, doors, fish tanks, satellite dishes, tanks, display carts, signs, industrial equipment, pick up canopies, and auto body parts such as fenders, hoods, or visors. "Fiberglass" is a composite material consisting of glass fibers in resin; it is applied over or into molds by spraying, brushing, or spreading. Materials include, but are not limited to, resin (usually received in barrels), liquid hardeners, fiberglass ribbon, and molds. Before a mold is used it is sprayed with a release agent so the item is more easily removed. In the spraying technique, resin is

sprayed with compressed air gun through a "chopper gun" into the mold, while a "ribbon" of fiberglass is simultaneously fed through a razor cutter which chops it into short lengths and blows it into the mold. Because the hardeners cause the material to "set" in a short period of time, the spraying is done rapidly. Once the desired thickness is attained, the material is left in the mold until completely set and cured, then removed. Spraying and chopping the fiberglass in this method causes a substantial amount of debris in the air, so workers usually wear respirator masks. There are many finishing techniques, such as smoothing the sprayed fiberglass with a hand-held rubber roller, applying various materials such as "gel" or "vinyl" to produce a glossy surface, joining parts to make very large items, attaching hardware, all of which are included within the scope of this classification when done by employees of an employer having operations subject to this classification.

This classification excludes establishments engaged in the manufacture of plastic items by blow molding or extrusion, vacuum forming, foam, rotary, or liquid molding, or injection molding, and establishments engaged in the manufacture of artificial marble items or graphite composite goods, which are to be reported separately in classification 3510; establishments engaged in the cutting, milling, bending, heating and shaping of hard plastic goods which are to be reported separately in classification 3512; and establishments engaged in the manufacture of auto body parts from materials other than fiberglass which are to be reported separately in the classification applicable to the materials and the processes being used.

Special note: Mold making for their own production is included within the scope of this classification when done by employees of an employer subject to this classification. Molds are usually made of wood; they are smoothed and shaped with a filler, like auto body putty, then coated with fiberglass.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-59204 Classification 3512.

((Plastic goods: Manufacturing—cutting, milling or bending-))

3512-02 Plastic goods: Manufacturing - cutting, milling or bending

Applies to establishments engaged in the manufacture of a variety of plastic goods from premanufactured components such as sheets, rods, or tubes by cutting, milling, or bending. Products include, but are not limited to, display stands, racks, dispensers for snack food items, vinyl window shades, fiberglass panels used for aircraft or recreational vehicle interiors, and signs. Essentially anything that can be done with wood can be done with plastic, so shops in this classification usually resemble a cabinet or woodworking shop. They use the same type of tools such as, but not limited to, saws, routers, planers, and grinders, to cut or mill the plastic goods. To bend plastic material, it is first heated in an oven or with a torch, then bent to shape. Buffers are used for polishing, or the pieces may be flame polished (heated with a gas torch).

Products may be formed by joining pieces with glue, hardware or other fasteners.

This classification excludes establishments engaged in the manufacture of plastic items by blow molding, extrusion, vacuum forming, foam, rotary, or liquid molding, or injection molding, and establishments engaged in the manufacture of artificial marble items or graphite composite goods, which are to be reported separately in classification 3510; establishments engaged in the manufacture of fiberglass goods which are to be reported separately in classification 3511; and sign manufacturers that purchase pre-cut plastic backings from others, then paint lettering or designs or attach vinyl lettering to them in their own shops which are to be reported separately in classification 4109.

Special note: The cutting, milling, or bending of plastic goods incidental to the manufacturing process for products made from wood, metal or other materials is included in the classification applicable to those manufacturing processes.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-59205 Classification 3513.

((Rubber goods, N.O.C.: Manufacturing

This classification includes rubber shredding or pulverizing-

This classification excludes the manufacture of synthetic rubber which is to be reported separately in classification 3407, and tire dump operations which are to be reported separately in classification 4305-))

3513-00 Rubber goods, N.O.C.: Manufacturing

Applies to establishments engaged in manufacturing rubber goods not covered by another classification (N.O.C.) from natural or synthetic rubber which may be hard, soft, or liquid. Products manufactured in this classification include a wide variety of items such as, but not limited to, gaskets, seals, floor tiles, O-rings, hoses, belts, rubber bands, foam rubber cushions or pads, sponge rubber novelties, shoe parts, floor mats, interior pieces for computer circuit boards, and latex rubber goods such as gloves. Establishments in this classification also mix and compound rubber for sale to tire dealers that recap or retread tires. This classification includes establishments that manufacture rubber tires, or that shred used tires or other rubber products. Used rubber is run through granulators or rotary shearers that shred it to small pieces. Shredded material can be used as filler for asphalt for running tracks, or mixed with coal for fuel in industrial plants or further processed into oil. This classification also includes establishments that use heavy machinery to cut used tires into large pieces which are then formed into bumpers for boats, loading docks or similar items. Manufacturing processes include washing, mixing, rolling, extruding, calendaring, molding, and curing, all of which cause chemical reactions to the rubber until it reaches the desired "property or state". Vulcanization, which improves the strength, resiliency and odor of rubber by combining it with sulfur or other additives in the presence of heat and pressure, occurs in various stages of manufacturing processes. Machinery includes but is not limited to: *Shearer:* Cuts bulk rubber into strips or chunks. *Extruder:* Mixes and heats pieces of rubber to high tempera-

ture, then forces the mixture out through dies, forming it into "ropes." (O-rings are made with extruded ropes.) Rubber mill: Has two heavy rollers (each about 1 foot diameter) that spin towards each other; the friction of the spinning rollers causes heat. Strips of raw rubber and dry chemicals are fed into the rollers where they are mashed and pressed, forming it into different grades or densities. The rubber emerges from the mill in flat, pliable strips, ready for further treatments. Calendar: Passes rubber through more rollers which work it to a smooth, even, glossy finish. Hydraulic steam press: There are several types of molding which involve placing strips of the rubber after it has been milled and rolled into cast iron molds. The molds are inserted into a press where heat and pressure are applied until the rubber is molded to desired shape, then removed and cooled. Injection mold press: Rubber is shot into the cavity of the molds, and the press heats it to an almost liquid form, then it becomes stable. A vacuum pump sucks air from the molds to form the product. Deflasher machine: Resembles a clothes dryer with a basket inside; used to remove flashing (the excess rubber that has squeezed out of the mold during forming). Molded items are placed in the basket; nylon pellets are added to the machine. As the machine spins, the pellets beat the flashing from the molded pieces. Flashing is sometimes trimmed by hand with exacto knives or smoothed on grinders. Curing oven: The final step for most processes which dries and sets the rubber. Establishments subject to this classification may also make some products by cutting and gluing premanufactured materials. If any rubber molding is performed, the entire operation is to be covered under this classification.

This classification excludes establishments engaged in the manufacture of rubber goods by cutting and gluing premanufactured rubber or composite sheets (*no molding*) which are to be reported separately in classification 3802; tire dump operations which are to be reported separately in classification 4305; and the manufacture of synthetic rubber and the "advanced recycling" of shredded tires or rubber which is to be reported separately in classification 3407.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-594 Classification 3602.

((Bottle cap manufacturing

Camera or video camcorder manufacturing or assembly—
including repair in shop

Compact disc and video tape player manufacturing or assembly—
including repair in shop

Dental laboratories

Electronic circuit board assembly, N.O.C.

Electronic ignition assembly

Electronic products manufacturing such as but not limited to
resistors; transistors; capacitors; and computer chips

Fishing tackle manufacturing or assembly. For purposes of
this rule the term "fishing tackle" is limited to lures; spinners;
spoons; flies; plugs; sinkers; artificial bait or similar items
but does not include fishing pole or reel manufacturing or
assembly which are to be reported separately in the applicable
manufacturing classification(s)

Incandescent lamp manufacturing; electric tube manufacturing

Instrument manufacturing—scientific, medical, or professional

Jewelry manufacturing or engraving

Magnetic tape manufacturing

Motion picture projector manufacturing or assembly—including
repair in shop

Musical instrument: Metal type—assembly—including repair
in shop

Silverware manufacturing; watch case manufacturing

Sound recording equipment manufacturing

Stereo components manufacturing or assembly

Tag, button, zipper or fastener manufacturing

Thermometer and steam gauge manufacturing

Telegraph or radio component manufacturing or assembly—
including repair in shop

Telephone set manufacturing or assembly—including repair

Trophy assembly or engraving

Watch case manufacturing or assembly—including repair in
shop

This is a shop or plant only classification. Repair work when
specified is limited to work performed at the shop or
plant.

This classification does not include the production of raw
materials used in manufacturing the above articles.))

**3602-01 Telegraph or radio component, telephone set:
Manufacture, assembly, or repair**

Applies to establishments engaged in the manufacture,
assembly, or repair of components related to the telegraph,
radio or telephone industry. Component parts may be for
items such as, but not limited to, radio or television sets, hearing
aids, transformers, coils, condensers, switches, antennae,
phones, speaker units, dials, rheostats, plugs, arrestors, resistors,
and electrical control relays, or other parts necessary to
accomplish radio, telegraph or telephone communication.
Materials include, but are not limited to, metal, plastic, and
wood used for the outside casings, and component parts.
Some establishments in this classification manufacture the
casings and the internal components. Other establishments in
this classification assemble the ready-made parts with air and
hand tools such as, but not limited to, drill presses, solder
guns, or saws. Internal parts are usually assembled simply by
clamping circuit boards in place, then soldering small pieces
together. This classification includes engineers, research and
laboratory personnel employed by establishments having
operations subject to this classification. This is a shop or
plant only classification. Repair work when specified is limited
to work performed at the shop or plant.

This classification excludes all outside repair work
which is to be reported separately in the applicable services
classification; and the production of raw materials used in the
manufacturing of the above articles which is to be reported
separately in the classification applicable to the production
process used.

**3602-02 Instrument - scientific, medical, or professional:
Manufacturing; magnetic tape: Manufacturing**

Applies to establishments engaged in the manufacture of
instruments used in medical, scientific, or professional appli-

cations. This classification also applies to establishments engaged in the manufacture of magnetic tapes. Instruments in this classification range widely in shape and size; they include, but are not limited to, dental or surgical instruments, microscopes or other scientific testing or research instruments, surveyors' instruments, and electrical testing instruments. Materials include, but are not limited to, metal, glass, plastic, or wood for casings, and component parts. Processes vary depending upon the product being produced, and could involve some stamping, machining, and heat-treating. However, component parts are usually manufactured by others, and establishments in this classification perform a substantial amount of hand assembling, inspecting, testing, and packaging operations. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-03 Sound recording equipment: Manufacturing

Applies to establishments engaged in the manufacture of sound recording equipment. Establishments in this classification may manufacture all or some equipment such as instruments for measuring sounds, and generators (for producing sounds), filters or modulators (for processing sounds), magnetic or tape recorders (for storing sounds), and speakers (for reproducing sounds). Materials include, but are not limited to, metal, glass, plastic, or wood for casings, clamps, glue or epoxy, and component parts. Components may be produced by the manufacturer or purchased from others and assembled. The assembly may be partially or wholly automated. Machinery includes, but is not limited to, shears, drill presses, grinders, soldering guns, welding equipment, and air or hand tools. There may be inspection areas and sound testing rooms. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-04 Thermometer and steam gauge: Manufacturing

Applies to establishments engaged in the manufacture of thermometers and/or steam gauges. The most common type of thermometer is a mercury thermometer which consists of a capillary tube that is sealed at its upper end and is enlarged into a spherical or cylindrical bulb at its lower end. This bulb is filled with mercury and mounted on a thin metal or plastic sheet. The manufacturers of steam gauges may simply assemble component parts with hand tools, test, and package them. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-05 Dental laboratories

Applies to establishments engaged in the manufacture of dentures, artificial teeth, braces, and retainers. These types of establishments are generally referred to as dental laboratories. The manufacture of these items involves precision work with castings, plastic or vinyl molding, and light wire forming. In the state of Washington dental laboratories can fit patients for dentures, in addition to making the denture which is included when performed by employees of employers subject to this classification. This is a shop only classification. Repair work when specified is limited to work performed at the shop.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-06 Jewelry: Manufacturing or engraving; trophy assembly or engraving

Applies to establishments engaged in the manufacture or engraving of jewelry, such as, but not limited to, rings, bracelets, necklaces, earrings, watchbands, pins, broaches, and cigarette lighters. Jewelry manufacturing or engraving involves working with precious metal and/or stones. Operations usually include polishing, buffing, drilling, and assembly, mixing and melting alloys and metals, then pouring the mixture into small casts. This classification also applies to establishments engaged in assembling or engraving trophies on a production basis. For purposes of this classification, assembly means making trophies from premanufactured components purchased from others. The engraving may be done by "etching" or by computer. In the etching method, patterns or lettering is cut into a metal strip that is coated with a solution resistant to etching acids. The metal strip is treated with etching acids that "melt away" the uncoated portion of metal, leaving an impression of the design. Computerized engraving is done by keying the designs or letters into the computer; the designs are transmitted to an "arm" on the computer which "draws" (engraves) them onto the metal plate. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used; and establishments engaged in the manufacture of watches which are to be reported separately in classification 3602-09.

Special note: This classification is for manufacturers engaged in the mass production of jewelry items and is distin-

guishable from jewelry stores reported in classification 6308 who produce custom, one-of-a-kind pieces on a special order basis. Trophy stores in classification 6308 may assemble components to make custom trophies, or engrave plaques for the trophies they sell. Assembly and engraving that is incidental to their retail sales operation is included in their store classification.

3602-07 Electronic parts: Assembly

Applies to establishments engaged in the assembly of electronic parts which are usually sold to other manufacturers. They may have automated/robotics assembly lines for all or part of the processes. In manual operations, small parts are soldered, chipped, riveted, or screwed into place with hand tools such as, but not limited to, soldering guns, riveters, drills, screw drivers, or water jets. This classification also applies to establishments engaged in the manufacture or assembly of computers and the manufacture of dry cell (flashlight type) batteries. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-08 Electrical/electronic ignition assembly, cord set, or radio set: Assembly

Applies to establishments engaged in the assembly of electrical/electronic ignition assemblies, cord sets, and radio set components. An ignition assembly is a switching component that allows an electrical circuit to be completed in order to start a piece of machinery or equipment. Electrical cord sets are the portion of wiring found on appliances and tools that plug into electrical power sources. A radio set is comprised of an input circuit for tuning in to the frequencies of the various transmitters to be received, the demodulation circuit for separating the audio-frequency from the high-frequency carrier, a low-frequency amplifier stage, and the loudspeaker. The amplifier elements are transistors supplied with the necessary operating voltages. Establishments in this classification usually assemble radio component parts and circuit boards that are manufactured by others. The assembly is accomplished by soldering, clipping, riveting, and welding the parts into place. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-09 Watch: Manufacturing

Applies to establishments engaged in the manufacture of watches. The component parts are usually mass produced on an assembly line. Watch cases are usually made from sheet metal or plastic; watch faces are made from plastic or glass.

The internal works are very small gears or springs and/or computer chips. The face may have hands and a dial, or may consist of a light emitting diode (LED). This classification includes the manufacture of internal works of clocks. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes establishments engaged in the manufacture of jewelry which are to be reported separately in classification 3602-06; establishments engaged in the manufacture of wooden housings or casings for clocks such as grandfather and mantle types which are to be reported separately in classification 2905; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-10 Camera, video camcorder, motion picture projectors: Manufacturing, assembly, or repair

Applies to establishments engaged in the manufacture, assembly, or repair of cameras, video camcorders, and motion picture projectors. Materials include, but are not limited to, metals, plastics, glass and internal components. Machinery includes, but is not limited to, punch presses, drill presses, and soldering guns. Establishments in this classification often assemble products from internal components manufactured by others. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

Special note: When an establishment subject to this classification has a retail store, then both classifications 6406 and 3602-10 may be assigned, provided all the conditions of the general reporting covering the operation of a secondary business have been met. Otherwise, all operations are to be reported in the highest rated classification of the two.

3602-11 Fishing tackle: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of fishing tackle. For purposes of this classification, the term fishing tackle is limited to lures, spinners, spoons, flies, plugs, sinkers, artificial bait and similar items. Work contemplated by this classification includes the receipt of supplies such as wire, hooks, spoons, swivels, beads and feathers, and other components from unrelated manufacturers and distributors, hand assembly of components into finished fishing tackle, painting spoons and plug bodies, packaging and shipping. This classification also contemplates testing of products and research and development of new products. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes the manufacture of items such as, but not limited to, reels, poles, nets, tackle boxes, knives, melting pots, plastic beads, wooden or plastic plug

bodies, hand tools (pliers, bench vise) molds, specialty clothing or protective gear which are to be reported separately in the classification applicable to the material and process used to produce the product; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

Special note: Care should be taken when assigning this classification to verify that the product being manufactured is compatible with the manufacturing and assembly processes contemplated within this classification. Most fishing tackle subject to this classification is hand assembled from small component parts.

3602-12 Incandescent lamp or electric tube: Manufacturing

Applies to establishments engaged in the manufacture of electrical or gas-filled bulbs or tubes such as, but not limited to, incandescent lamps, photoflash lamps, flood lamps, fluorescent tubes, X-ray tubes, cathode-ray tubes, neon tubes or artistic style neon tube signs that are not attached to metal backings. The processes and equipment will vary somewhat depending on the type of electrical bulb, tube, or lamp being made, but the basic operation is the same. Component parts such as, but not limited to, glass bulbs, globes, or tubes, tungsten wire, metal bases, shellac, and nitrogen and argon gas are purchased from outside sources. Using flange machines, the bottom of the glass tubing is fused to the flange to produce the base that is used within the bulb or globe. Metal bases may be milled, then coated with a sealing compound such as shellac. Mounts are assembled and inserted into the flange on stem machines. The assemblies are seared together, then the tungsten filaments are fixed between support wires forming the stem. The bulbs or globes are flushed with nitrogen to expel any moisture before the stems are inserted into them. These units are inserted into the metal bases and cemented. Air is evacuated and argon gas is pumped into the bases, after which they are heat sealed and trimmed. Neon tube signs or displays are made by heating a thin tube of glass over a ribbon flame until the tube becomes flexible, blowing air into the tube to keep the glass from collapsing, then, while it is still hot, bending it to shape. Because the glass cools rapidly, the heating and bending is repeated until the desired shape is achieved, then the tube is filled with neon or argon gas and the ends sealed.

This classification excludes establishments engaged in the manufacture of metal fixtures equipped with electrical or gas lighting which are to be reported separately in classification 3404; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-14 Musical instrument - metal: Repair

Applies to establishments engaged in the repair of metal musical instruments which include, but are not limited to, trumpets, trombones, French horns, and tubas. The operations involve primarily hand work such as, but not limited to, brazing and soldering, as well as fitting, testing, and polish-

ing the instruments. Tools include, but are not limited to, solder or brazing guns, lathes, drill presses, and various types of saws. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the repair of wood musical instruments which is to be reported separately in classification 2906; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-23 Electronics products - resistors, capacitors, chips and relays, transistors: Manufacturing

Applies to establishments engaged in the manufacture of resistors, capacitors, chips, relays, and transistors which are usually tiny and delicate. Products manufactured in this classification are usually mass produced with little human intervention during the production process, which is often done in a vacuum or a nitrogen filled room. Materials include, but are not limited to, silicon, wires, and plastics. In addition to the automated equipment, hand-held tools include, but are limited to, pliers, wrenches, and soldering guns. Finished products are inspected, usually through powerful microscopes, then packaged and shipped. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-24 Stamped metal goods: Manufacturing

Applies to establishments engaged in the manufacture of small, stamped, metal goods such as, but not limited to, metal tags, buttons, zippers, bottle caps, fasteners, snaps, clasps, buckles, and curtain fasteners. Materials, which come in coils or strips, are run through presses. Most of the stamping is done on automatic stamping presses. Products are cut, stamped, formed, trimmed, and cleaned, then usually finished by plating or lacquering. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-27 Electronic circuit board, N.O.C.: Assembly

Applies to establishments engaged in the assembly of electronic circuit boards not covered by another classification (N.O.C.) which are used in a wide variety of electronic and automotive products. The process usually begins by cutting boards to size with power saws, then drilling or punching holes in them with automated drills or punches. Depending upon the original materials used, the boards used for the base may be coated or dipped. Then the chips, transistors, resistors, and/or condensers are installed, usually as part of an

assembly line process. Next, the circuit boards are dipped and coated with a thin metal. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-28 Stereo components: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of stereo components such as, but not limited to, record changers, disc or video players, receivers and amplifiers. Materials include, but are not limited to, circuit boards, resistors, drivers, baffle plates, chambers, trim/rings, and grills. Equipment includes, but is not limited to, hot glue guns, electric drills, electric screw drivers, and automated assembly or manufacturing equipment. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-595 Classification 3603.

~~((Furniture stripping and refinishing
Metal plating or polishing, rustproofing—acid bath, N.O.C.
Painting in shop, N.O.C.
Electroplating and detinning, N.O.C.))~~

3603-10 Furniture stripping and refinishing; metal plating or polishing, rustproofing, N.O.C.

Applies to establishments engaged in stripping and refinishing wood or metal furniture, or metal plating (a coating of metal on an object), polishing, and rustproofing that is not covered by another classification (N.O.C.). Furniture refinishing contemplated by this classification includes, but is not limited to, preparing articles for finishing or refinishing by dipping in chemical solutions/acid baths to remove the old finish or dirt, sanding and wire brushing as needed, thoroughly removing all residues, applying new finish by brushing, rolling, spraying or dipping, air or oven drying, and any appropriate finish work such as waxing, polishing and buffing when done by employees of an employer having operations subject to this classification. *Metal plating* contemplated by this classification may be done by dipping in hot solution or spraying with a very high pressure, heated gun. *Electroless plating* is another type of dipping process which can be used to plate metals, plastics, and other materials by first preparing the surface with a chemical to ensure adhesion of the metal plating material. *Rustproofing*, as contemplated

by this classification, is usually applied by dipping or spraying. Plated items may be finished by lacquering and polishing. *Polishing* may also be conducted as a separate contract on metal and nonmetal items.

This classification excludes furniture finishing/refinishing done in conjunction with manufacturing or repair which is to be reported separately in classification 2905; metal plating, polishing, rustproofing and finishing done in conjunction with manufacturing of metal or a metal product which is to be reported separately as applicable to the product; undercoating of automobiles or other vehicles which is to be reported separately in classification 3411; metal plating done by an *electrolytic method* and rustproofing by *anodizing method* which are to be reported separately in classification 3603-11.

3603-11 Electroplating and detinning, N.O.C.

Applies to establishments engaged in providing electroplating or detinning services that are not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, preparing items by dipping in chemical solution/acid baths to remove old finish or dirt, sanding and wire brushing as needed, removing all residues thoroughly, electroplating to create the new finish, air or oven drying, any appropriate finish work such as polishing and buffing, and electrolytic or chemical baths for detinning processes, when done by employees of an employer having operations subject to this classification. *Electroplating* (including galvanizing and tinning) to achieve a protective or decorative coating is done by immersing the metal object in a solution which contains the desired metallic particles (metals commonly used are gold, silver, nickel, zinc and chromium) and passing an electric charge through the solution which causes the metal particles to adhere to the object being plated. Typical items plated include, but are not limited to, jewelry, plumbing hardware and components, silverware, eyeglass frames, medical instruments, and various specialized industrial components of any size. Plated items may be polished and lacquered as part of the finishing process. This classification includes *anodizing* to rustproof aluminum and some aluminum alloys by immersion in an acid bath and applying an electric charge to the metal which causes the finish to form on it. *Detinning* is the process of recovering tin from tin plated scrap. The "chemical process" involves using caustics and an oxidizing agent which causes the tin to separate from the metal it was plated to. A variation of this method introduces electrolysis to achieve a purer reclamation. The "chlorine process" uses chlorine applied under pressure to dissolve the tin and separate it from the tin plated scrap.

This classification excludes any electroplating or rustproofing by electrolytic methods done in conjunction with the manufacturing of metal or a metal product which is to be reported separately as applicable to the product; metal plating, polishing or rustproofing not using electrolytic methods which is to be reported separately in classification 3603-10; galvanizing or tinning done by hot dip process which is to be reported separately in classification 3604; and any detinning not done by a specialty shop as described above.

3603-12 Painting in shop, N.O.C.

Applies to establishments engaged in providing painting services at their shop, that are not covered by another classi-

fication (N.O.C.). This includes painting wood, metal, plastic, glass or other items. Customers include manufacturers, cabinetmakers or millwork manufacturers who do not do their own finish painting/staining/varnishing, or individuals who need only one item painted. Work contemplated by this classification includes, but is not limited to, preparing items for finishing by cleaning, sanding and wire brushing as needed, applying new finish by brushing, rolling, spraying or dipping, air or oven drying, and any appropriate finish work such as waxing, polishing and buffing when done by employees of an employer having operations subject to this classification. This classification includes application of nonmetallic coatings by dipping (such as nonstick surfaces) and painting with an electrostatic paint gun.

This classification excludes sign painting when done by establishments who do not manufacture the sign, which is to be reported separately in classification 4109; any painting done in conjunction with the manufacture of a sign which is to be reported separately in classification 2903, 3404, 3503 or 3510 as applicable; painting done in conjunction with the repair of an exterior sign which is to be reported separately in classification 0403; furniture stripping and refinishing services which are to be reported in classification 3603-10; furniture finishing done in conjunction with manufacturing or repair which is to be reported separately in classification 2905; automobile painting which is to be reported separately in classification 3412; the permanent yard or shop of a painting contractor which is to be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met; and the painting/staining/varnishing of any item done in conjunction with the manufacturing of that item which is to be reported separately as applicable to the product.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-596 Classification 3604.

((Galvanizing or tinning—not electrolytic, N.O.C.
Retinning, rustproofing—galvanizing or hot bath, N.O.C.))

3604-16 Galvanizing or tinning - not electrolytic, N.O.C.

Applies to establishments engaged in providing galvanizing or tinning services, *not using an electrolytic method*, that are not covered by another classification (N.O.C.). This process uses molten zinc or tin dip to coat metals to deter corrosion (galvanizing) and tarnish (tinning). The process is used on all types of metal products from hand tools to automobile body parts and pieces of machinery. Work contemplated by this classification includes, but is not limited to, preparing metal by cleaning and washing in an acid solution, flushing with clean water, dipping in a metallic solution, immersion in the molten zinc or tin, and draining and/or blowing away the excess to achieve a smooth finish before cooling.

This classification excludes galvanizing or tinning using an electrolytic process which is to be reported separately in classification 3603-11 and any galvanizing or tinning operations conducted in conjunction with a metal or metal product

manufacturing operation which is to be reported separately as appropriate to the product.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-597 Classification 3605.

((Truck manufacturing or assembling-))

3605-28 Truck: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of complete trucks. Truck manufacturers subject to this classification are the nonpassenger type vehicles such as semi-trucks. These establishments may manufacture the chassis, body and other truck components or they may purchase any of these items from other manufacturers and simply assemble the trucks. Usually they will purchase the axle assemblies, transmissions, electrical and cooling systems, and steering gears from others. The determining factor to assign this classification is that they do the final assembly of the various components to make the truck operational.

This classification excludes auto or passenger vehicle manufacturing including pick-up trucks which is to be reported separately in classification 3402; truck component manufacturing which is to be reported separately in the appropriate manufacturing classification; and semi-truck repair and service centers which are to be reported separately in classification 3413.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-599 Classification 3701.

((Ammonia, nitrogen and ammonium nitrate manufacturing
Nitrate recovery from x-ray and photo films
Manufacturing dye and chemicals for tinting candles
Chemical manufacturing, N.O.C., by nitration, alkylation, oxidation, etc. process. This classification includes the manufacturing of chemicals involving, but not limited to, the following chemical processes: Nitration, alkylation, distillation, reduction, oxidation, sulphonation, compression of gasses, halogenation and amidation
Chemical mixing, blending and repackaging only—no manufacturing of ingredients
Cosmetics manufacturing, no manufacturing of ingredients
Drug, medicine or pharmaceutical preparation manufacturing, no manufacturing of ingredients
Oxygen or hydrogen manufacturing, acetylene gas or carbonic acid gas manufacturing
Alcohol manufacturing, distilling, N.O.C.
Polish, dressing, ink or mucilage manufacturing
Extract manufacturing—including distillation of essential oils
Perfumery manufacturing—including distillation of essential oils
Mint distilling
Salt, borax or potash producing or refining
Serum, anti-toxin or virus manufacturing
Paint, varnish or lacquer manufacturing
Putty manufacturing, synthetic resin manufacturing
Acid manufacturing

PERMANENT

Candle, crayon and paste manufacturing

This classification excludes hop pellet manufacturing which is to be reported separately in classification 2101-))

3701-03 Ammonia, nitrogen and ammonium nitrate: Manufacturing

Applies to establishments engaged in the manufacture of ammonia, nitrogen and ammonium nitrate. Ammonia is a colorless gas used as a component in fertilizer, medicines and cleaning compounds manufacturing. The manufacturing process involves combining hydrogen and nitrogen gases with a catalyst which causes a reaction between the two gases when heated in a generator. Ammonium nitrate is a crystalline compound used mainly in fertilizers, explosives and propellants. The manufacturing process involves combining ammonia and nitric acid in a reactor. Nitrogen is a colorless gas that is obtained from the air and processed by compressing air in a pressurized tank, removing impurities, and separating nitrogen and oxygen through heating.

3701-04 Nitrate recovery from X-ray and photo films

Applies to establishments engaged in recovering nitrate or silver from X-ray and photo films. The recovery process involves placing the films in developing solutions, ionizing the solution and separating the elements.

3701-05 Dye and chemicals: Manufacturing

Applies to establishments engaged in the manufacture of all types of dyes and in the manufacture of dyes and chemicals that are used exclusively for tinting candles. Organic and inorganic compounds such as, but not limited to, phenols, alcohols, caustics, acids, salts and gases are used in the manufacturing process. Manufacturing methods include, but are not limited to, weighing raw materials to specifications and pumping them into vats where they are heated, agitated and cooled. They are then filtered through presses, dried in ovens, ground into a powder, and then packaged. Liquid or paste forms of dye go through the same process with the exception of the drying and grinding operations.

3701-06 Chemicals, N.O.C.: Manufacturing by nitration, alkylation and oxidation processes

Applies to establishments engaged in the manufacture of chemicals not covered by another classification (N.O.C.) using a nitration, alkylation or oxidation process. Nitration involves the combining of nitrate with an organic compound to produce nitrobenzenes used in solvents, fertilizers and acids. Alkylation involves combining alkyls with other substances to form products used in the production of paper pulp, hard soap and petroleum products. Oxidation involves the combining of oxygen with other substances to produce products such as, but not limited to, hydrogen peroxide, protective metal coatings, and pharmaceutical preparations.

This classification excludes the manufacture of ammonia or nitrogen which is to be reported separately in classification 3701-03 and the manufacture of oxygen, hydrogen, acetylene gas, carbonic acid gas, or acids which is to be reported separately in classification 3701-10.

3701-07 Chemical mixing, blending and repackaging only

Applies to establishments engaged exclusively in mixing, blending or repackaging chemicals; it does *not* apply to

the manufacture of ingredients for the mixing operation. The product may be mixed by hand or through a mechanical process. The equipment used by establishments covered by this classification is limited to storage tanks, mixing or blending vats, filling and packaging machines and miscellaneous equipment such as fork lifts and trucks.

This classification excludes establishments involved in more than a mixing, blending or repackaging operation which are to be reported separately in the appropriate chemical manufacturing classification.

3701-08 Cosmetics: Manufacturing

Applies to establishments engaged in the manufacture of cosmetics such as, but not limited to, soap, shampoo, hair conditioners, skin moisturizers, baby powder, lipstick, nail polish, bath oil, bath salts, and various personal care creams, gels or lotions. The process involves the mixing of premanufactured ingredients, using equipment such as storage tanks, mixers, heating devices, bottling/packaging/labeling equipment, and laboratory equipment for product development and quality control.

This classification excludes the manufacturing of the ingredients used in the mixing of the cosmetics.

3701-09 Drug, medicine, or pharmaceutical preparation: Manufacturing

Applies to establishments engaged in the manufacture of pharmaceuticals including drugs, medicines, and preparations such as, but not limited to, tablets, pills, ointments, liquids, and powders. Processes contemplated by this classification include mixing or blending of the base medicinal ingredients and additives such as, but not limited to, sugars, starches, flavorings, and waxes used for coating tablets. Compounds are then pulverized, distilled, heated and/or dried.

This classification excludes the manufacture or harvest of the ingredients used in the manufacture of the pharmaceuticals.

3701-10 Oxygen, hydrogen, acetylene gas, carbonic acid gas: Manufacturing

Applies to establishments engaged in the manufacture of oxygen, hydrogen, acetylene gas, carbonic acid gas, dry ice, or acid. The manufacture of oxygen and hydrogen involves the recovery of these gaseous elements from the air by compression, expansion and cooling operations until it liquefies. The liquid air then goes to a fractionator where the oxygen is separated from the hydrogen along with other gases such as neon and helium. Acetylene is a highly flammable but non-toxic gas that is manufactured by reacting calcium carbide with water in a pressure generator which combines carbon and lime to form the end product. Carbonic acid gas, also known as phenol, is a caustic poisonous gas used in manufacturing resins, plastics, and disinfectants. The manufacture of phenol involves a compression and refrigeration process.

3701-11 Alcohol: Manufacturing, distilling, N.O.C.

Applies to establishments engaged in manufacturing or distilling nonspirituous alcohol not covered by another classification (N.O.C.). Types of alcohol include, but are not limited to, methanol (wood alcohol), ethanol (grain alcohol)

or denatured alcohol (combination of methanol and ethanol). Products produced include, but are not limited to, solvents, processing materials, germicides, antiseptics, or materials intended to be used as an ingredient in other products such as varnish and shellac. The processes for the production are varied depending on the type of alcohol and end product but all use a distillation process which involves the heating of liquids and subsequent condensation of vapors to purify or separate a substance contained in the original wood or grain product.

This classification excludes the manufacture of spirituous liquor which is to be reported separately in classification 3702 and gasohol distilling or refining which is to be reported separately in classification 3407.

3701-13 Polish, dressing, or ink: Manufacturing

Applies to establishments engaged in the manufacture of polish, dressings, or ink. Polish and dressing products include, but are not limited to, polish or dressings for shoes, leather, furniture, automobiles or metal. The ingredients and processes for polish and dressing manufacturing vary, depending on the end product. Typical ingredients include but are not limited to oils, waxes, resins, detergents, methanol, solvents, water and coloring. The process may involve a simple mixing operation or a more involved process involving heating or cooking and molding into a cake or stick form. Typical equipment includes, but is not limited to, weighing and measuring scales, mixers, stoves, molding apparatus, automatic filling, labeling, wrapping and packaging machines. Ink manufacturing covers all types of ink including, but not limited to, newspaper, book, magazine, and writing ink. The process involves the cooking of oils and resins which produces a resin. Pigments and dryers are blended into the resin mixture and diluted to proper consistency.

This classification excludes the manufacture of candles, crayons, and adhesives which is to be reported separately in classification 3701-25.

3701-14 Extract: Manufacturing, including distillation of essential oils

Applies to establishments engaged in the manufacture of extract including the distillation of essential oils. Extracts are concentrated forms of an essential component of a food or a plant. Extracts include, but are not limited to, flavorings, perfume oils, sachet powders, ingredients for skin conditioners and hop extracts used in the brewing of beer. The process involves extracting flavorings or oils from various plants, herbs or fruit peelings by pressing, cooking, steaming or distillation. The extracts may be mixed or blended with other extracts for strength, consistency or color and are then bottled or canned. Typical equipment includes, but is not limited to, steam cookers, presses, distillation apparatus, filters, grinders, tanks, vats and filling, packaging and labeling machines.

This classification excludes perfume manufacturing which is to be reported separately in classification 3701-15; mint distilling which is to be reported separately in classification 3701-17; and hop pellet manufacturing which is to be reported separately in classification 2101.

3701-15 Perfume: Manufacturing, including distillation of essential oils

Applies to establishments engaged in the manufacture of perfumes including the distillation of essential oils. Perfumes may be used as a personal fragrance or by other manufacturers such as in the making of scented candles. The process typically involves the distillation, cooking, grinding, compounding, drying, blending, or liquidizing of ingredients. These ingredients may include, but not be limited to, extracts, oils, colors and binders.

This classification excludes the manufacture of candles which is to be reported separately in classification 3701-25.

3701-17 Mint distilling

Applies to establishments engaged in the distillation of mint. The process may begin with mint oil that is purchased from others or with the distillation of the mint leaves into mint oil. The mint leaves are chopped and blown into a mint steamer which lifts the moisture and oils from the mint. The resultant steam then goes through a series of condensation lines. Water is added to force the oil to the top of the liquid. The mint oil is heated for purification and to lessen the fragrance. Various mint oils may then be blended together to produce different types such as spearmint and peppermint. The product is then packaged in stainless steel or epoxy lined barrels.

This classification excludes the raising and harvesting of mint which is to be reported separately in classification 4811.

3701-20 Salt, borax or potash producing or refining

Applies to establishments engaged in the production of or refining of salt, borax or potash. This classification includes the manufacture of common salt used in chemical and food processing, borax which is used in the manufacture of glass, glazes, soap, and boric acid, and potash which is used in fertilizer. Salt ores received from others are dissolved in water to produce a brine of the desired concentration. It is refined into common salt by adding caustic soda and soda ash. Potash is refined by adding an amine to the brine which causes the salts to float to the surface where they are skimmed off. Borax is made by separating it from the potash by a rapid cooling process. All three of these products are then fully evaporated by heating in a partial vacuum to produce crystals or granules which are then dried.

This classification excludes the production of raw materials used in the manufacture of these products.

3701-21 Serum, antitoxin or virus: Manufacturing

Applies to establishments engaged in the manufacture of serums, antitoxins, or viruses. The process involves considerable microscopic laboratory work as well as working with animals. The animals are injected with bacteria and viruses, periodically bled and eventually killed. The killing of the animals is included in this classification as it is incidental and necessary to perform the operation to extract the serum from the glands and to separate the red blood cells from the blood.

This classification excludes the manufacture of other drugs or medicines which are to be reported separately in classification 3701-09.

3701-22 Paint, varnish or lacquer: Manufacturing

Applies to establishments engaged in the manufacture of paint, varnish, lacquer, enamel, shellac, paint removers and thinners. The paint manufacturing process involves a series of mixing and grinding operations. The pigments (solids) are then blended with oils or resins (liquids). A paint extender may also be added at this point. The paint is then pumped into filling machines where various sized containers are filled and then labeled. Lacquer, varnish, enamel, shellac and paint removers and thinners vary in the ingredients used but the process is similar to that of paint manufacturing in that it is mainly a mixing operation. Varnishes involve a cooking process which is generally not used in the manufacture of the other products included in this classification.

This classification excludes the production of raw materials used in the manufacture of these products.

3701-23 Putty or synthetic resin: Manufacturing

Applies to establishments engaged in the manufacture of putty or synthetic resin. Putty is a finely powdered chalk mixed with linseed oil. The main ingredients for both putty and synthetic resins are ground chalk, limestone and/or calcite. The process for both products involves grinding and mixing operations.

This classification excludes the production of the raw materials used in the manufacture of these products.

3701-25 Candle, crayon, and paste or glue: Manufacturing

Applies to establishments engaged in the manufacture of candles, crayons, and synthetic adhesives such as paste or glue. Raw materials used for making candles include, but are not limited to, beeswax, paraffin, stearin, wicks and colors which are received from others. The wax is heated in kettles or similar devices into which the wicks are dipped either by hand or by dipping equipment which can be either manual or automated. A fragrance may be added to the melted wax for scented candles. When the wax has attained the desired shape and size it is hung on lines to dry. The wicks are then cut and the candles are placed in molds to shape the base of the candle. Color is then added by dipping either by hand for specialized designs or by machine for solid colors. The candles are then inspected, wrapped, packaged and labeled. Crayons use the same ingredients that are used in making candles with the exception of the wicks. The type of wax used in making crayons determines the hardness. The wax is melted in a kettle or similar device and poured into molds for shaping and cooling. The crayons are then inspected, packaged and labeled. Synthetic paste or glue is made from powder or granule arabic gum or modified starch which is received from others along with preservatives and the containers and caps. The process involves mixing and cooking the ingredients in steel tanks and pumping the product to a filling area where it is packaged, labeled and capped.

This classification excludes the manufacture of polish, dressing, or ink which is to be reported separately in classification 3701-13; the manufacture of glue from animal substances which is to be reported separately in classification 4301; and the production of raw materials used in the manufacture of these products.

3701-27 Hazardous/toxic material: Repackaging for disposal

Applies to establishments engaged in identifying and repackaging hazardous/toxic materials for disposal. This classification is distinguished from classification 4305-20, in that classification 3701-27 applies to the identifying and repackaging for disposal of such materials as drugs, pesticides, chemicals, and toners that contain toxic or hazardous materials, while classification 4305-20 includes the processing or handling of such materials as medical or septic tank waste, drug lab or hazardous spill cleanup, and reprocessing or handling of low-level radioactive materials. For handling hazardous or toxic materials, the workers are equipped with protective clothing such as long sleeved shirts, depending on the material to which they will be exposed. They may also be equipped with steel toed boots, protective gloves, safety glasses and various types of respirator equipment. On a typical project, the first step is to visually inspect the materials to see if they appear to be the materials described on a job order. If there is a question of identity, a sample of the material is sent to a lab for analysis. The establishment may have its own lab facilities or the sample may be sent to an outside lab, or the customer may have it analyzed. Every component of the sample must be identified. Once the material has been identified, and all containers labeled, the containers are separated into appropriate groupings. Smaller containers of similar types of materials are packed into 55 gallon drums with plastic or other cushioning protective material to prevent breakage. All necessary paper work and forms required by various government agencies must be completed before the material can be transported to a disposal site.

This classification excludes hazardous/toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup; reprocessing or handling of low-level radioactive materials which is to be reported separately in classification 4305-20; and the replacement of nontoxic toner in cartridges used in business machines which is to be reported separately in classification 4107.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-600 Classification 3702.

~~((Breweries or malt houses
Bottling—beverages, N.O.C.
Spiritous liquor manufacturing
Wine making
Yeast manufacturing~~

~~This classification includes tour guides and tasting room employees.))~~

**3702-01 Breweries or malt houses
Yeast: Manufacturing**

Applies to establishments engaged in operating breweries, micro breweries, or malt houses, and includes all operations involved in the making of malt, beer, or ale as well as packaging into kegs, bottles or cans. Beer is produced from water, hops, barley malt and corn or rice; this mixture is cooked, filtered, cooled and then fermented. After the fer-

mentation is complete, the beer is usually pasteurized and filtered, then sealed in kegs or packaged in individual bottles or cans. The exact process varies from brewery to brewery. Some breweries produce their own malt while others obtain the barley malt from an independent malting company. This classification includes warehouses and distributing stations maintained by the breweries at the brewery or at separate locations. This classification also includes tour guides, tasting room and gift shop employees. This classification also applies to establishments engaged in the manufacture of yeast.

This classification excludes establishments engaged exclusively as wholesale or combined wholesale/retail distributors of beverages which are to be reported separately in classification 2105.

3702-03 Bottling: Beverages, N.O.C.

Applies to establishments engaged in the production, bottling, and distribution of beverages not covered by another classification (N.O.C.) such as, but not limited to, carbonated and noncarbonated soft drinks, seltzers, fruit juices, lemonades, iced teas, and bottled waters. These bottling establishments purchase syrup or concentrate from the franchiser or concentrate manufacturer to produce a variety of products. Containers such as, but not limited to, aluminum or steel cans, plastic or glass bottles, are sanitized, filled with beverages, and sealed. Typically, bottlers will operate a single production facility and have multiple distribution warehouses.

This classification excludes establishments engaged exclusively as wholesale or combined wholesale/retail distributors of beverages which are to be reported separately in classification 2105 and manufacturers of syrup/concentrate for soft drinks which are to be rated separately in classification 3902.

3702-05 Wine making or wineries

Spirituos liquor: Manufacturing

Applies to establishment engaged in making wine from fruits or flavoring products such as, but not limited to, grapes, berries, peaches, or dandelions. The ingredients are crushed and the juice extracted; yeast is added to the juice; then the mixture is stored in a cool, temperature-controlled environment (such as a cellar) for fermentation to begin. During the natural fermentation, the sugar from the fruit is converted into alcohol. Additional processing includes clarification, filtration, pasteurization, centrifugation, and blending. The wine is bottled under vacuum and corked, labeled, and cased. This classification also applies to establishments engaged in the manufacture of spirituous liquor such as whiskey, gin, rum, and vodka. Operations involve preparing the mash from various grains, potatoes or molasses received from others, and fermenting, distilling and barreling of the products. This classification includes tour guides, tasting room and gift shop employees.

This classification excludes establishments engaged exclusively as a wholesale or combined wholesale/retail distributor of beverages which are to be reported separately in classification 2105; wine/liquor stores which are to be reported separately in classification 6403; and vineyard oper-

ations which are to be reported separately in classification 4813.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-604 Classification 3708.

~~((Abrasive cloth preparation~~

~~Bag or sack— industrial size: Manufacturing, N.O.C.~~

~~Batting, wadding or waste: Manufacturing~~

~~Broom and brush: Manufacturing or assembly, N.O.C.~~

~~Carpet or rug: Manufacturing—tufting operations~~

~~Cordage, rope or twine: Manufacturing~~

~~Hide dealers~~

~~Linoleum, oil cloth or imitation leather: Manufacturing~~

~~Mattress or box springs: Manufacturing—excluding the manufacture of wire springs which is to be reported separately in classification 3402, or excelsior which is to be reported separately in classification 2903~~

~~Net, thread, webbing, yarn: Manufacturing~~

~~Plush, velvet, felt: Manufacturing~~

~~Spinning or weaving—natural or synthetic fiber, N.O.C.~~

~~Styrofoam or foam rubber: Cutting, bonding, laminating, N.O.C.—excluding molding and mixing of rubber or plastic which is to be reported separately in the appropriate manufacturing classification~~

~~Taxidermists and hide pelting~~

~~Textile bleaching, dyeing, coating, impregnating, laminating, waterproofing, N.O.C.~~

~~Textile goods: Manufacturing, N.O.C.~~

~~Textile: Manufacturing, N.O.C.~~

~~Wool combing or seouring:))~~

3708-14 Hide or leather dealers

Applies to establishments engaged in the sale of dressed animal hides, reptile skins and tanned leather. Dealers in this classification receive raw hides from others, sort and grade them, "salt" them (by soaking in a salt solution) to help their preservation, and ship them to tanneries for processing. After the tanneries have processed them, the dressed and finished hides, skins and leather are returned to the hide dealers where they are again graded, measured, trimmed by hand as necessary, then stored until they are shipped to their customers. Customers are primarily manufacturers of garments or other items.

This classification excludes establishments who process raw hides, skins, and fur into tanned leather, or dressed fur, which are to be reported separately in classification 4301.

3708-15 Linoleum, oil cloth or imitation leather: Manufacturing; Coating, impregnating, laminating or waterproofing textiles, N.O.C.

Applies to establishments engaged in the coating, impregnating, laminating, or waterproofing of crude fabric whose operations are not covered by another classification (N.O.C.). Textiles or fabrics may be treated with coatings or finishes such as, but not limited to, oils, varnishes, lacquers, or plastic and rubber finishes. Woven or felt cloth (loose, in rolls or mounted on forms) can be coated with spreading devices, rollers, or by dipping in solvents, drained to allow solvents to evaporate, then cured in drying ovens. Impreg-

nating involves placing fabrics in vacuum tanks with solutions of rubber or lacquer and solvents and subjecting them to various pressures. Solutions are drained, contents removed, dried, baked in curing ovens and rough spots removed by grinding. Laminating is a process of cementing fabric and coating materials together and running them through heated pressure rollers, then curing them in drying ovens. Fabric embossing, which is raising designs in a surface, is included in this classification. These processes are also used in the manufacture of linoleum, oil cloth, imitation leather, and similar waterproofed or laminated fabrics.

This classification excludes establishments engaged in the bleaching, dyeing, or finishing textiles which are to be reported separately in classification 3708-16 and coating or other finishing operations performed by employees of manufacturers of textiles or textile goods which are included in the manufacturing classification as applicable.

3708-16 Bleaching, dyeing or finishing textiles: N.O.C.

Applies to establishments engaged in the bleaching, dyeing, or mercerizing of crude fabric whose operations are not covered by another classification (N.O.C.). The fabric is first treated with bleaches, dyes, and other solutions, then singed and calendered prior to shipping to other manufacturers to be made into textile goods. Mercerizing is the treatment of fabric with sodium hydroxide to shrink the fiber and increase its color absorption and luster. Singeing is the burning of the fiber ends to seal them; calendering is pressing the cloth through heavy rollers to smooth and gloss it. The above operations require the use of large manufacturing machinery such as, but not limited to, calenders and large vats.

This classification excludes establishments engaged in coating, impregnating, laminating or waterproofing textiles which are to be reported separately in classification 3708-15; establishments engaged in the washing and drying, or dyeing of individual garments for others which are to be reported separately in classification 2201; and coating or other finishing operations performed by employees of manufacturers of textiles or textile goods which are included in the manufacturing classification as applicable.

3708-18 Broom or brush: Manufacturing or assembly, N.O.C.

Applies to establishments engaged in the manufacture or assembly of all types of household and industrial brooms, brushes, and mops not covered by another classification (N.O.C.), including, but not limited to, paint brushes and rollers, whisk brooms, scrub mops, dust mops, brushes for vacuum cleaners, street sweeping or other rotary machines. Animal hair, synthetic fibers, handles and backings made of wood, plastic or metal, screws, rivets or other hardware, metal springs and wire, yarn, and dust-attracting additives are purchased from outside sources. Tools and equipment include, but are not limited to, manually operated or computerized brush making machinery. Brush making machinery drills holes in the brush base, fills holes with hair or other fibers, and staples them in place. Other types of brush making machines make metal-back strip brushes which are mounted in straight or spiraled rows around cores (tubing or shafts), and used in rotary machines. These machines loop

bristles around an anchor wire, then crimp a metal channel around the anchor wire, forming the base. The bristles are trimmed to precise lengths on trimming machines.

This classification excludes establishments engaged in the manufacture of metal, wood or plastic handles or backings which are to be reported separately in the classification applicable to the manufacturing process, and establishments that make only mop heads by sewing yarn or other strands to a cloth base which are to be reported separately in classification 3802.

3708-19 Cordage, rope, or twine: Manufacturing

Applies to establishments engaged in the manufacture of cord or cordage, rope, twine, or string from both natural and synthetic fibers such as cotton, manila, sisal, flax, jute, hemp, and rayon. Finished products, which range widely, include, but are not limited to, fish lines, shade or awning cords, mountain climbing ropes or riggings on boats. This classification includes the extrusion of polyethylene or similar pellets to form fibers when done by manufacturers for use in their own products only. This classification also includes establishments that pick, card, and comb fibers prior to twisting the resulting strands into twine or lightweight cord which they may further twist or braid together to produce heavier cordage or rope. "Picking" removes debris from the raw fibers; "carding" untangles and straightens the fibers; "combing" separates long fibers from shorter ones and forms them into thick strands (which are referred to as "slivers"). Other manufacturers in this classification start with spools of cording, then twist or braid a number of strands into heavier cordage or rope. Manufacturers may dye their products, coat them with latex to prevent deterioration, or steam and dry them. The above operations are included in the classification when performed by employees of employers engaged in manufacturing rope or cordage. Machinery includes bale breaking, picking, carding, spinning, twisting, braiding, winding machines, dipping vats, and dryer ovens.

This classification excludes establishments engaged in the manufacture of net, thread, webbing, or yarn which are to be reported separately in classification 3708-26 and establishments engaged in the manufacture of plush, velvet, felt, or other fabric produced by spinning or weaving which are to be reported separately in classification 3708-27.

3708-22 Pelting

Applies to establishments engaged in animal hide pelting operations. A pelt is an untanned animal hide or skin with the hair or fur still on it. For classification purposes, pelting is defined as the initial cleaning and drying of animal skins or hides, but does not involve the removal of hair or fur, or tanning operations. Frozen pelts are thawed by flushing them in water. Fat and tissues are removed from the skin on fleshing machines. Fleshing machines resemble a band saw with a small blade over which the skin is moved to remove fat and tissue. Then skins are placed in tumblers or drums with cornmeal or sawdust to clean the excess moisture, dirt, and oils from them. They are usually transferred to another drum or shaker to remove the cornmeal or sawdust. The cleaned pelts are stretched on drying boards or metal frames, stapled to the frames with hand staplers, and placed in drying rooms until

dry. Pelts are sold to tanneries or furriers where they are further processed into tanned hides or dressed furs.

This classification excludes establishments engaged in the tanning of leather and the dressing of fur which are to be reported separately in classification 4301; establishments engaged as taxidermists which are to be reported separately in classification 3708-23; and establishments engaged in raising fur bearing animals which are to be reported separately in classification 4804.

Special note: Pelting of fur bearing animals, when performed by the animal raiser, is considered incidental to the raising and is included within the scope of classification 4804. Raisers of fur bearing animals are entitled to classification 3708-22 only if their hide pelting operation involves the pelting of animals which have been raised by others.

3708-23 Taxidermists

Applies to establishments engaged in taxidermy which is the preparation, stuffing, and mounting of skins of dead animals for exhibition in a lifelike state. This classification includes all operations, including tanning of hides and making animal forms, when performed by employees of the taxidermist. Hunters and fishermen are the primary customers of taxidermists; pet owners may have a pet preserved, all of whom provide the skins or animals. Other customers include museums who use animal likenesses for decorating or exhibit. For these customers, the taxidermist usually purchases tanned hides from other sources. Small animals, such as birds, cats, or fish are usually mounted whole. Large animals may be mounted whole, although generally only the head and neck are mounted. Whole animals are posed and sometimes placed in natural-looking settings. The taxidermist may receive the skin, or the whole animal, in which case the skin is carefully removed in one piece. To remove fat and tissue, the fleshy side of the hide is pulled back and forth across the spinning blade of a fleshing machine. Fleshing machines resemble a band saw with a blade about a foot in diameter which is mounted on a worktable. Hides usually require "finer fleshing" which is done by scraping with a hand knife. Holes or tears in the skin are hand sewn. The taxidermist may finish preparing the skins, or they may send them to a tannery. Other preparations involve tumbling the skins in drums (which resemble clothes dryers) with sawdust or cornmeal to remove excess moisture, dirt, oils, then washing them in solutions of sodas, borax or alum to further clean, soften, and preserve them. Antlers are soaked in brine to remove blood and other waste. Prepared skins of smaller animals are usually stuffed; skins of larger animals are usually stretched over an animal form, sewn together, then glued onto the form. Taxidermists may make their own animal forms from fiberglass or other plastic materials, or they may purchase them elsewhere. Antlers, artificial eyeballs, teeth, tongues, toe nails, and hooves are attached. Finishing work requires touches of paint to eyelashes or mouths (applied with artist's brushes), sprays, or whatever make-up or sculpturing techniques are needed to make the animal look lifelike. Additional materials and equipment includes plaster, cotton or other stuffings, styrofoam, cleaning agents or waxes, hand tools for cutting, scraping, and sculpturing, rasps, sewing

needles, hammers, saws, freezers, dryers and tumblers, and sewing machines.

This classification excludes establishments engaged in hide pelting which are to be reported separately in classification 3708-22 and establishments engaged in tanning operations and fur dressing which are to be reported separately in classification 4301.

3708-26 Net, thread, webbing, yarn: Manufacturing

Applies to establishments engaged in the manufacture of webbing, thread, or yarn by spinning, weaving or knitting processes from natural or synthetic fibers such as, but not limited to, cotton, rayon, silk, wool. This classification also includes the manufacture of nets which are woven from cording or twine. Initial operations include the removal of debris from fibers by picking; and untangling, straightening, and stretching of fibers by carding. A combing operation separates long fibers from shorter ones and forms them into thick strands (referred to as slivers). Slivers are placed on creels and fed into spinning machines to be further stretched, spun and twisted onto bobbins (also called packages). The thread or yarn go through further winding, rewinding, doubling, or reeling, depending on the ply being produced. At some point prior to the final winding onto a cone, the threads are rinsed in vats of hot water for several hours to set the ply; dyes may be added to the rinse. Threads are then spun dry and placed in dehydrators until all moisture is removed. Yarn/thread is packaged and sold to fabric weavers. Elastic or nonelastic webbing is woven from yarns or threads on narrow-shuttle looms or knitting machines. The finished lengths are coated, laminated, or dyed prior to winding onto skeins or spools for sale to others. Nets manufactured in this classification range from batting nets or hoop nets for sports, to nets used for commercial purposes. Styles are also widely varied; mesh nets woven on net looms, other types knitted on net-knitting machines; some are hand knotted. Manufacturers may sell "net systems" which include traps, hooks, hinges, lines and other fishing paraphernalia, to the marine industry. Those companies usually sell several styles of nets, some of which are made from ready-made netting they purchase elsewhere and sew bindings and hardware onto them. Hand-knotted netting is often used to catch salmon or herring. Lengths of rope are unwound with winches and winders, and stretched across a waist-high loom that usually extends the length of the factory and includes overhead bars from which rope hangs. Workers stand at the loom and knot the lengths of rope to form nets. Hand knotting is considered an art and takes some time and skill to learn. There are different ways of finishing the nets. Some are pulled and stretched with winches through a heating-drying system (these can be up to 100 feet or so in length). The top of the unit is lowered over the stretched net and steam heat is applied. The stretching tightens the knots, which strengthens them; drying shrinks and cures the net, also adding strength. Another method is to soak nets in vats of hot water to which dyes may be added. Nets may also be dipped in latex coatings and dried in dryer-ovens.

This classification excludes establishments engaged in the manufacture of cordage, rope, or twine which are to be reported separately in classification 3708-19.

3708-27 Spinning or weaving, N.O.C. Plush, velvet, felt: Manufacturing

Applies to establishments engaged in spinning or weaving operations to manufacture woven or nonwoven fabric and which are not covered by another classification (N.O.C.). Raw materials include natural or synthetic filaments (also called thread) such as, but not limited to, cotton, wool, rayon, acetate, or spun fiberglass. Some manufacturers spin their own yarn prior to weaving it into cloth; others purchase the yarn from outside sources. To make woven cloth, creels hold spools (or beams) of yarn; the yarn feeds into the weaving machinery and is woven into cloth. The resultant cloth may be washed, dried, bleached, dyed or otherwise finished by the same manufacturer, or sent elsewhere for finishing. The dyeing, bleaching, or coating of fabric is included within the scope of this classification when performed by employees of an employer engaged in the manufacture of fabric. Nonwoven fabric (also called spunbonded) is lightweight and can be either absorbent or repellent. Uses for this type fabric include, but are not limited to, inner-lining of diapers, surgical/medical masks, handwipes, mattress pads, pillow coverings. Process for making spunbonded fabric starts with the extrusion of polyethylene pellets into taffy-like substance which is eventually spun into continuous threads with the use of suction, electricity, cold air, and blowing. Once the substance is formed into threads, the threads move through the machinery at high speeds where air guns or nozzles suction several threads into one "visual strand." These transparent strands move along and are blown onto a fast-moving wire conveyor of a sheet-making machine where they are criss-crossed to form a nonwoven mass; the mass passes through the machine's large rollers as heat is applied to it. The heat and the pressure of the rollers bonds the webbed mass into the nonwoven fabric. The fabric passes through more rollers and winders, is wound onto paper cores, cut, and packaged for shipment. This classification includes the manufacture of plush, velvet or felt. Plush and velvet manufacturing contemplates similar operations and machinery as those for other woven fabrics. With velvet, the pile is almost always silk while the pile for plush may be of silk, wool, or mohair. Backings for both may be one or more of silk, artificial silk, wool, or cotton. After leaving the looms, the material goes through coloring, embossing, printing, brushing, shearing and inspecting processes. Felt is a mat-like material which is made by pressing raw materials, such as raw wool, cotton, nylon, textile scraps, into desired dimensions. The materials are first mixed in required proportions and, after picking and dusting, passed through breakers, carders, then laid in layers to form the felt. The felt is pressed and hardened by a hardening machine and, after fulling, is washed, dyed, then dried. (Fulling increases the weight and bulk by shrinking, beating, or pressing.) Once dry, the felt is pressed and trimmed in shearing machines and folded or rolled for shipping.

3708-29 Mattress or box springs: Manufacturing

Applies to establishments engaged in the manufacture of stuffed mattresses, spring mattresses, or box springs. The manufacture of batting, wadding, waste is included in this classification when performed by employees of employers engaged in manufacturing mattresses. Materials include, but

are not limited to, wool or cotton stuffing materials, foam for padding, decorative fabric for mattress covers, upholsterer's tape and sewing notions, glue, wire coils or springs, wire grid racks, and wood frames. Machinery includes, but is not limited to, hand tools, staple guns, glue spray guns, nail guns, band saws, sewing machines, eyelet punches, quilting machines, and tape edgers. *Mattresses:* Mattress pieces are cut to desired size, edging sewn on, eyelets and cord handles attached to the side pieces. Quilting of the covering fabric is done on large quilting machines. To assemble mattresses, batting and foam padding, or other cushioning material, is laid out over the springs, then glued and stapled onto the springs, then ticking (covering) placed on both sides. Borders are sewn to the top and bottom pieces with a hand-held "tape edger" machine. *Box Springs:* Springs, grid racks, wood frames are received from outside sources. Wood frames are laid out on work surfaces, wire grids set on them, then the springs are stapled to the grids and frames at both ends, forming the box. Layers of batting and covering materials are secured in place; then lightweight cloth is stapled to the bottom of the boxed spring, and plastic reinforcement corner pieces tacked on.

This classification excludes establishments engaged in the manufacture of wire springs which are to be reported separately in classification 3402 and establishments engaged in the manufacture of batting, wadding, or waste which are to be reported separately in classification 3708-34.

3708-32 Carpet or rug: Manufacturing

Applies to establishments engaged in tufting carpets from textile fiber, or weaving carpets and rugs from textile yarn on weaving machinery. Tufted products are sold as wall-to-wall carpets, area rugs, art squares, bath mats or scatter rugs. Woven products are sold as aircraft or automobile floor coverings, mats or matting. Materials include, but are not limited to, pile yarn, jute backing, liquid latex, binding, and sewing notions. Machinery and equipment includes, but is not limited to, tufting machines, looms, vats, electric infrared dryers, electric cutting knives, and sewing machines. For tufted carpets or rugs, pile yarn is sewn to a prewoven jute backing by a high speed machine using hundreds of needles. Rollers move the carpet over vats of rubberized liquid latex while the liquid is applied to the backing to secure the tufting. The carpet then passes through a dryer to dry the latex. Bindings are sewn on with a sewing machine.

This classification excludes establishments engaged in making hand carved or inlaid carpets or rugs from premanufactured carpeting which are to be reported separately in classification 3802.

3708-34 Batting, wadding or waste: Manufacturing: Wool combing or scouring

Applies to establishments engaged in the manufacture of batting, wadding or waste which is sold to distributors or other manufacturers for use in their products. The terms batting and wadding are interchangeable and refer to cotton or wool fibers wadded together to form a soft layer used for padding or stuffing. Batting/wadding is used to stuff mattresses, automobile tops, bed pillows and comforters, sleeping bags, futons, crating pads, stuffed animals, and similar items, or to

upholster furniture. Raw materials such as raw or waste cotton, wool, and synthetic fibers are received from others and treated by processes that include shredding, willowing, picking, dusting, carding, blending, rolling, drying and curing. These processes require the use of considerable manufacturing machinery which includes, but is not limited to, choppers, shredders, blowers, conveyor systems, rollers, ovens, winders, and cutters. The terms willowing, picking, and dusting refer to opening and cleaning unprocessed wool or cotton; carding or combing untangles and separates fibers. Fibers are fed into garnetting machines where they are picked, pressure-blown and blended, then blown out onto a long, flat, surface that rotates as the fibers build up to a specified thickness. Once the desired thickness is reached, the mass moves through the machine's rollers, winders, and conveyors; it may be treated lightly with resins or linseed oil. The conveyors move the continuous rolled mass through enclosed ovens where it is cured and dried. The roll of batting may pass through a quilting machine to be bound together in a web structure of strong thread. Finally, it is wound onto cores, cut and prepared for shipping. Shoddy or waste manufacturing is the processing of rags or textile mill waste until the materials are reduced to fibers. Processes may include, but not be limited to, sorting, classifying, carbonizing (exposing rags to hydrochloric acid fumes), baking, dusting, washing, drying, batching, picking, garnetting, and baling. Wool separating operations may include soaking rags in diluted sulfuric acid or carbonizing to remove cotton and other foreign matter. The rags are then dried and processed to remove dust, washed in alkali to neutralize the remaining acid, then dried. This classification also applies to establishments engaged in wool combing or scouring operations. Wool is processed in dust-ers which remove dirt. The wool then passes to scouring tanks. Several washers may be combined in a unit, the wool passing from one to the other by automatic conveyors. The last tank of clear water rinses the wool and it is then dried. Sometimes it is picked and carded again prior to being dried, then bagged or baled for sale. This classification also includes the treating and twisting of animal hair for upholsterers' use.

3708-39 Textile goods: Manufacturing N.O.C.

Applies to establishments engaged in the manufacture of a wide variety of textile goods not covered by another classification (N.O.C.), and those which incorporate textiles with other types of raw materials. In addition to those described below, raw materials include, but are not limited to, metal or plastic rods and edging strips, glue, epoxy, cork, adhesive tape, nuts, bolts and other small hardware. In addition to that described below, machinery includes, but is not limited to, die cutters, rotary press cutters, band saws, hot wire cutters, reciprocating blade cutters, slitters, balers, thermoweld presses, laminators, riveters, punch presses, shredding machinery such as hammer mills, and hand tools such as glue sprayers, staple guns, and rivet guns. Sewing machines are often used in the manufacture of products contemplated in this classification; however, sewing is an auxiliary function performed in addition to other fabrication processes. Products contemplated in this classification include, but are not limited to:

Abrasive cloth made by running the backing material (cloth, paper, or combinations of these) through a making machine which is usually a grouping of three units. The printer unit imprints the backside of the backing material with a trademark or grade number; in the next unit an adhesive bond is applied in varying concentrations and quantities; a grain dispenser applies grains or minerals such as flint, emery, crocus, garnet, aluminum oxide or silicone carbide, either by a mechanical or an electrostatic method.

Absorbent booms or sheets designed to lift oil from water, made by shredding paper with an absorbent finish, then blowing it into a sock of netting or a sheet sewn from nonwoven fabric.

Bug screens for automobiles made by cutting wire screen mesh to size with either scissors or a small shearer, sewing vinyl bindings around them.

Conveyor belts made by joining the ends of premanufactured belting made of natural or synthetic rubber to form a continuous belt. Ends may be joined by a mechanical splice or a vulcanized splice. A mechanical splice joins the ends with lacings (metal strips into which wire rods are threaded); a vulcanized splice joins the ends by applying heat under pressure. This type of bonding is also called thermo-welding.

Fishing rod wrappings added to blank poles made by others. Cork handles are glued onto the poles individually in a hand operation. Poles are positioned on a lathe-like devise powered by small motor. Next, guides are placed onto the pole and secured by winding thread around the pole as the lathe slowly turns it. Epoxy is brushed on by hand, or the pole is dipped in epoxy, then placed on a revolving wheel or hung to air dry. If the company that makes the poles also applies the wrappings (finishings), the entire operation is to be reported separately in the classification applicable to the manufacture of the poles.

Hard side luggage or carrying cases for items such as, but not limited to, video cameras, computers, telescopes, made by cutting plywood or premanufactured plastic sheets to pattern, lining the inside and outside of the pattern pieces with materials such as embossed paper or imitation leather, forming the case by riveting metal or plastic edging and corner pieces onto the pattern pieces, and attaching hardware such as handles, hinges, and locks. Polyester foam padding is glued to the inside of the specialized carrying cases to protect the contents.

Hot tub covers made by cutting styrofoam to pattern, joining the two pieces with metal hinges and enclosing the unit in a vinyl covering.

Insulating products made by cutting materials such as premanufactured fiberglass cloth to specified shapes, then stapling together, or by laminating vinyl or other covering fabrics to premanufactured fiberglass cloth.

Office divider panels made by cutting premanufactured materials similar to polyfoam, laminating fabric onto foam, and attaching light weight metal or wood edging pieces.

Rigging for boats such as rope ladders made from heavy-duty rope, slings made by sewing bindings onto premanufactured netting.

This classification also includes the cutting and laminating of styrofoam, polyethylene foam and other flexible "foam rubber" materials to make products such as, but not limited

to, mattress pads, cushions, contour pillows, automobile seats, packaging materials, padding and pads for sports equipment. Other products could be contemplated in this classification as long as the materials, machinery and processes used in the manufacture of those products are similar to those of employers subject to this classification.

This classification excludes establishments engaged in the manufacture of miscellaneous textile soft goods which are to be reported separately in classification 3802 and establishments engaged in the molding and mixing of rubber, plastic or graphite goods, which are to be reported separately in the classification applicable to the work being performed.

3708-40 Bag or sack-industrial size, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of industrial size bags or sacks which are not covered by another classification (N.O.C.). These types of bags are used for packaging items in bulk, such as, but not limited to, flour, sugar, salt, meat products, fruits and vegetables, fertilizer, building materials, or coal. Raw materials include ink, strong thread, rope drawstrings, and fabric such as, but not limited to, cotton, nylon, woven polypropylene, burlap, or gunny which is generally received in bales. Baled fabric is opened on baler machinery, sewn into continuous lengths, then wound onto cores on a roll-up machine. The fabric is fed through a winder which pulls it straight, then may be run through print presses where logos, brand names, or designs are applied. The lengths are stacked on long cutting tables and cut with hand or power cutters to desired bag size. The sides and bottoms are sewn together inside out, then hem the open end. The bags are turned right side out on turning machines and drawstrings may be inserted in the hemmed edge. Finished bags are bundled into bales with strapping machines and prepared for shipping.

This classification excludes establishments engaged in the manufacture of small bags, packs, picnic bags or others generally carried on the person, which are to be reported separately in classification 3802; establishments engaged in the manufacture of plastic bags which are to be reported separately in classification 3510; and establishments engaged in the manufacture of paper bags which are to be reported separately in classification 6908.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-606 Classification 3802.

~~((Artificial feather or flower: Manufacturing, N.O.C.~~

~~Awning or shade: Manufacturing—excluding the welding of frames which is to be reported separately in classification 3402~~

~~Embroidery services~~

~~Garment: Manufacturing~~

~~Glove: Manufacturing, N.O.C.~~

~~Handbag or pack: Manufacturing~~

~~Hand-carved or inlaid rug: Manufacturing~~

~~Hosiery: Manufacturing~~

~~Household furnishings, such as draperies, shades, pillows, quilts, sleeping bags: Manufacturing—excluding the~~

~~manufacture of batting, wadding, or waste which is to be reported separately in classification 3708~~

~~Knitted fabric or garments: Manufacturing~~

~~Lace: Manufacturing~~

~~Leather goods such as tack, holsters, accessories, sports balls: Manufacturing~~

~~Millinery: Manufacturing~~

~~Rubber or pliable goods: Manufacturing by cutting or gluing—excluding rubber molding, shredding, pulverizing, which is to be reported separately in classification 3513~~

~~Sails or boat covers or tops: Manufacturing~~

~~Screen printing~~

~~Shoe or boot: Manufacturing or repair—excluding molding of shoe parts which is to be reported separately in classification 3513~~

~~Tents, tamps: Manufacturing—excluding the welding of frames which is to be reported separately in classification 3402~~

~~Textile soft goods such as medical supports, tie downs, craft items, award ribbons: Manufacturing~~

~~Wig-making~~

~~This classification excludes the tanning of leather and the dressing of fur which is to be reported separately in classification 4301; and the installation of goods manufactured subject to this classification which is to be reported separately in the classification applicable to the installation work being performed.))~~

3802-13 Handbag or pack: Manufacturing

Applies to establishments engaged in the manufacture of a variety of bags on a mass production or quantity basis. Types of bags include, but are not limited to, handbags, backpacks, fanny packs, picnic bags, softside luggage, and other bags normally carried on the person, and such items as literature or document pockets used in airplanes or automobiles. The screen printing or embroidering of the manufacturers' own products is included in this classification when performed by employees of an employer having operations subject to this classification. Materials include, but are not limited to, natural or synthetic fabric, leather, webbing or strapping for handles, buttons, hooks, buckles, Velcro, and other sewing notions purchased from outside sources. Operations include cutting to size or pattern, hand or machine sewing, finishing, labeling, pressing. Tools and equipment include hand or power cutting tools, clicker die cutters, sewing machines that perform a variety of functions, eyelet punchers, and household irons.

This classification excludes establishments engaged in the manufacture of industrial bags from natural or synthetic cloth used to package commodities such as bulk flour, sugar, produce, fertilizer, building materials, which are to be reported separately in classification 3708; establishments engaged in the manufacture of paper bags which are to be reported separately in classification 6908; establishments engaged in the manufacture of plastic bags which are to be reported separately in classification 3510; and establishments engaged in the manufacture of hard sided luggage or carrying cases which are to be reported separately in classification 3708.

3802-28 Millinery: Manufacturing; Artificial feather or flower, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of hats made of felt, wool, or other textiles, fur, or leather received from outside sources. Other materials received from outside sources include woven hat bodies, braided straw, sweatbands, linings, rims or brims, ribbons, artificial flowers, feathers, or other trimmings. For fabric hats, fabric is cut to standard hat sizes, sewn, steamed on molds or blocked in hydraulic presses, and trimmings attached. For straw hats, straw stripping is roughly sewn into crowns and brims and stitched to the woven straw body. Finishing operations involve sizing, hand blocking, iron and machine blocking in hydraulic presses, then hand sewing bands and trimming onto them. For felt hats, bodies are steamed, sized, shaped, ironed or press blocked under hydraulic presses; trims are usually sewn on by hand. This classification also applies to establishments engaged in the manufacture of artificial feathers or flowers whose operations are not covered by another classification. Crepe paper, fabric, covered paper stakes, glue, and wire are received from outside sources. Paper or fabric is cut, hand rolled and assembled with wire to form the product.

This classification excludes establishments engaged in the manufacture of hats knitted to form on knitting machines which are to be reported separately in classification 3802-42 and establishments engaged in the dressing of fur or the tanning of leather which are to be reported separately in classification 4301.

3802-29 Wig: Manufacturing

Applies to establishments engaged in the manufacture of wigs and hair pieces made from real hair or synthetic hair. Human hair is usually purchased from beauty shops. After being washed in hot disinfectant, hair is dried in ovens. The strands are bleached in peroxide or ammonia, then colored with dyes to desired shades. Strands are secured to webbed caps with sewing machines or woven into the cap and cemented by hand. The final steps include clipping, curling, and styling. Materials include human hair, synthetic hair, disinfectants, adhesives and webbing fabrics. Tools and equipment include, but are not limited to, scissors, combs, brushes, curling irons, washing, bleaching and dyeing vats, drying ovens, and sewing machines.

3802-34 Screen printing of cloth or garments

Applies to establishments that provide screen printing services to others on cloth items such as, but not limited to, shirts, jackets, caps, and aprons. Most screen printing establishments display a limited quantity of garments as samples from which customers can order to outfit a team, club, or other group. The screen print shop may order the garments from their suppliers, perform the screen printing, and sell the garments to their customers, or the customers may provide their own garments. However, the principal business operation is the *service of screen printing*. Screen printing of individual garments may be done by hand or with a machine. Screen printing businesses will create designs in their art department, or customers can furnish their own design. The process begins with the transfer of a design onto a framed silk screen. A light-sensitive material is coated over the silk

screen, then exposed to light. The screens are placed on a multiport machine with a number of press boards onto which garments, such as shirts, jackets, hats, aprons are loaded at one time. One color of ink is squeezed over the screen and as the machine revolves, the color for that portion of the design is applied to each garment. When the first color of the design is applied, garments move on a conveyor through a dryer oven to set the ink. This process is repeated with other colors until the complete design is reproduced on each garment. Screens are washed and cleaned so they can be reused. To screen print designs on lengths of cloth, the process is similar, but machinery for this type of application resembles commercial printing presses used in print shops. Materials include art supplies, colored ink, paint thinners, cleaning solvents. Tools and equipment include, but are not limited to, ink dispensers and squeegees, hand cutting tools, frames and screens, manual and automatic presses, dryer ovens with conveyors, drying racks, pressure spray washer units or sinks, and work tables.

Special notes: The screen printing of a manufacturer's product, when done as part of the manufacturing process by employees of the manufacturer, is included in the classification applicable to the product being produced.

Establishments in classification 6305 that are primarily engaged in the retail sale of clothing such as tee shirts, athletic sweat suits, or hats, may custom screen print or apply iron-on transfers on individual garments sold. Individualized printing or application of transfers is an incidental part of the sales operation and is included in the store classification.

Wholesale distributors of clothing or cloth goods who perform *incidental* screen printing on a small portion of their own product are to be reported separately in classification 6407. Care must be taken when considering classification 6407 to ensure that the nature of the business is the wholesale operation, not a screen print service, and that screen printing is only incidental to the sales operation.

3802-37 Hand carved or inlaid rug: Manufacturing

Applies to establishments engaged in the manufacture of custom-designed inlaid or hand carved rugs or carpets from carpeting purchased from outside sources. These are usually small businesses whose primary customers are interior designers or architects who want one-of-a-kind rugs to complement the design of a room. The designer pieces can be installed as wall-to-wall carpets or used as area rugs or wall hangings. Materials include, but are not limited to, pattern paper, netting, monk cloth, binding or fusing tape, fringed edging, carpet rolls, latex glue, and thread. Tools and equipment include small cutting tools such as hot knives, tracing wheels, rulers, glue guns, air spray guns, seamers for attaching the metallic tape, carpet carvers, and sewing machines. Carpet carvers resemble a household canister vacuum cleaner. A suction hose joins the carving blades to the canister so the fibers are vacuumed as they are cut.

Inlaid: First, a design is drawn onto pattern paper, then traced onto a piece of carpet with a tracing wheel. Powder rubbed across the paper goes through the perforations to form the design on the carpet. This step is repeated for each different colored piece in the design. The complete design is also cut out of the main carpet piece. The pattern pieces are cut

out with a hot knife and placed into the main carpet backing piece which will become the finished rug. The pieces are glued to the backing with fusing tape or joined with metallic seaming tape. (Carpet designers refer to this as quilting.) Hand carving (clipping around the edges of the design with the carpet carver) adds dimension. Netting is attached with latex to the back side of the design to secure it. Monk cloth or similar fabric is applied as a backing.

Hand Carved: The pattern is transferred directly onto the main carpet piece and carved along the edges of the design to give it dimension.

This classification excludes establishments engaged in the manufacture of carpets or rugs by tufting or weaving which are to be reported separately in classification 3708 and establishments engaged in the installation of carpets which are to be reported separately in classification 0502.

3802-38 Embroidery services; lace: Manufacturing

Applies to establishments that provide embroidery services to others on cloth items such as, but not limited to, shirts, jackets, caps, aprons, and patches. Most embroidery establishments display a limited quantity of garments as samples from which customers can order to outfit a team, club, or other group. The embroidery shop may order the garments from their suppliers, perform the embroidery, and sell the garments to their customers, or the customers may provide their own garments. Their principal business operation, however, is the embroidery service. Paper templates, computer tapes, natural or synthetic thread, backing materials, fabrics for patches, are received from outside sources. Designs or logos are punched onto paper strips. The strips are fed through the embroidery machines which simultaneously stitch the design onto numerous garments or cloth items which have been positioned on the machine. In computerized machines, the design is programmed onto paper computer tapes which are placed in the embroidery machine instead of the paper strips. The rest of the operations are the same. To make patches, the design is embroidered numerous times on a length of fabric. Individual patches are cut out and the edges finished on a serger sewing machine. This classification also applies to establishments engaged in the manufacture of lace. Natural or synthetic threads are received in skeins from outside sources. The thread is wound upon spools and bobbins which are placed onto the shuttles of the looms. The designs in the lace are created by various harness and shuttle movements of the loom, controlled electronically or by perforated pattern cards. After removal from the loom, the lace is inspected, mended by hand or sewing machine if needed, washed, bleached, dried, trimmed, starched, and ironed.

Special notes: The embroidery of a manufacturer's own product, when done as part of the manufacturing process by employees of the manufacturer, is to be included in the classification applicable to the garment or product being made.

Establishments in classification 6305 who are primarily engaged in the retail sale of clothing such as tee shirts, athletic sweat suits, hats, may embroider designs or lettering on individual garments sold. Individualized embroidery is an incidental part of the sales operation and is included in the store classification.

Wholesale distributors of clothing or cloth goods who perform *incidental* embroidery on a small portion of their own product are to be reported separately in classification 6407. Care must be taken when considering classification 6407 to ensure that the nature of the business is the wholesale operation, not an embroidery service, and that embroidery is only incidental to the sales operation.

3802-39 Household furnishings: Manufacturing

Applies to establishments engaged in the manufacture of household furnishings such as, but not limited to, draperies, pillows and cushions, futons, sleeping bags or comforters. Businesses that make draperies may make other window treatments such as swags, valances, cornice boards, pull-down roller shades (window blinds) and other accessory items such as, but not limited to, throw pillows, and slip covers. If the window coverings are custom made, the shop usually includes a showroom displaying samples of drapery fabric, drapery rods, window coverings, accessories, floor coverings, wall paper or other household furnishings. These accessory items are not usually stocked, but are obtained from suppliers or manufacturers as customers order them. The sale of these items by establishments engaged in the manufacture of household furnishings is included in this classification. A separate store classification is not applicable in these situations. Draperies and curtains are cut to size, pleated, sewn, and finished by steaming or ironing. Vinyl pull-down shades or blinds are cut to size; one end is stapled to a wooden roller, then the shade is wound around the roller. The other end is creased and stitched to form a hem into which a wood slat is placed to give the blind a solid edge. Pulls, tassels, fringes, or other trims are attached. Sleeping bags, comforters, futons, and pillows are cut, sewn, and stuffed with padding materials purchased elsewhere. This classification also includes the manufacture of lamp shades. Plain or pleated fabric or laminated parchment and metal frames are purchased from outside sources. Material is cut to pattern, then attached to frames by gluing or sewing bindings around the frame and fabric. Materials include, but are not limited to, various fabrics, vinyl-coated cloth, transparent vinyl, parchment, linings, stuffings, trims, drapery hooks, rods, wooden rollers and slats, pulls or handles, hinges, wire frames for lamp shades, and sewing notions which are purchased from outside sources. Tools and machinery include scissors or other hand or power cutting tools, irons, sewing machines that perform a variety of functions such as straight stitching, hemming, serging, pleating, or tacking, drapery-folding devices, lighted surface to inspect cloth for flaws prior to cutting draperies, work tables for cutting or with a padded surface for ironing, pressing machines or irons. Drapery manufacturers may have a jig saw, saber saw or miter saw for the incidental cutting of cornice boards which is included in this classification.

This classification excludes establishments engaged in the manufacture of batting, wadding, or waste which are to be reported separately in classification 3708 and establishments engaged in the installation of draperies which are to be reported separately in classification 0607.

3802-40 Garments, slippers, accessories, miscellaneous soft goods, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of garments, wet suits, accessories, slippers, and miscellaneous soft goods not covered by another classification (N.O.C.), including, but not limited to, tie downs or animal restraints made from fabric strapping, art and craft or novelty items, stuffed toys, award ribbons, medical supports, umbrellas, and parachutes on a mass production or quantity basis. The production involves cutting to size or pattern, sewing, gluing, fabric welding, inserting stuffing materials, labeling, pressing, inspecting and packaging. Screen printing or embroidering of the manufacturer's own products, and finishing processes such as dyeing or bleaching is included in this classification when performed by employees of an employer having operations subject to this classification. Manufacture of these items often includes primarily hand work or hand work incidental to machine operations. Items are produced from all types of natural or synthetic cloth or fibers; some of the trims or patches may be leather or other pliable materials. Materials include, but are not limited to, natural fabrics, synthetic fabrics such as neoprene, fur, leather, strapping or webbing, yarn, sewing notions, glue, decorative trims, ribbons or patches, imitation eyes for toys, stuffing materials, buttons, buckles, hooks, or handles which are purchased from outside sources. Tools include household irons, scissors or cutting wheels, measuring tapes, tracing wheels, brushes, power cutting tools (some types have hot blades or wires to seal frayed edges of cut pieces), glue guns, staplers, and clamps. Machinery includes, but is not limited to, cutting tables, sewing machines that perform a variety of functions such as straight or zigzag stitching, pleating, tacking or serging, clicker die cutters, iron presses, packaging equipment and various table-top or foot operated devices such as eyelet punchers, button covering machines, and hot-stamping foil presses.

This classification excludes establishments engaged in the manufacture of batting, wadding, or waste which are to be reported separately in classification 3708; establishments engaged in manufacturing operations using large factory machinery that performs functions such as, but not limited to, winding/rewinding, blowing, spinning, twisting, braiding, weaving, picking, tufting, quilting, shredding, or grinding, which are to be reported separately in classification 3708; and establishments engaged in the tanning of leather or dressing of fur which are to be reported separately in classification 4301.

3802-41 Gloves, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of gloves not covered by another classification (N.O.C.) made of fabric or leather on a mass production or quantity basis. Fabric, leather, and sewing notions are purchased from outside sources. Manufacturers may quilt lining materials to the glove fabric on quilting machines. Glove pieces are cut from numerous layers of fabric or leather with a die cutter; printing of a logo or brand name may be applied to pieces prior to stitching. Seamstresses sew the pieces together inside out, adding cuffs or trims. After stitching, each finger is individually turned right-side out on a turner which is a table-

mounted device with a vertically moving rod. Gloves are then placed onto heated, hand-shaped molds for steaming and shaping.

This classification excludes establishments engaged in the manufacture of gloves knitted to form on knitting machines which are to be reported separately in classification 3802-42; establishments engaged in the manufacture of rubber gloves made by molding or mixing rubber which are to be reported separately in classification 3513; and establishments engaged in the tanning of leather which are to be reported separately in classification 4301.

3802-42 Knitted fabric or garments or hosiery: Manufacturing

Applies to establishments engaged in the fabrication of knitted cloth, the subsequent manufacture of garments from the knitted cloth, and the manufacture of gloves, mittens, and hats knitted to form on knitting machines on a mass production or quantity basis. Natural or synthetic yarn (also referred to as thread), buttons or other fasteners are received from outside sources. The knit cloth is produced on looms either mechanically or electronically controlled. Circular or flat knitting machines (some of which resemble sewing machines) are also used. The manufacturer of the knitted cloth may make wearing apparel from it, or may sell the knitted cloth to other manufacturers. Garments, such as sweaters, may be knitted to form, or pieces may be cut from the cloth and sewn together. Gloves or mittens are knitted to basic shapes on special machines. Tips of fingers are sewn closed, the glove is turned right side out, then shaped and steamed on electrically heated forms. This classification also applies to the manufacture of hosiery on a mass production or quantity basis. Skeins of natural or synthetic yarn, generally dyed, are received from outside sources. The yarn is unwound onto bobbins or cones, then placed in small circular automatic knitting machines which form the leg and heel. The leg/heel pieces are sewn into a continuous piece, then toes and tops added with looper machines. Hosiery is then washed, dried, shaped. This classification also applies to establishments that perform finishing operations on hosiery that is manufactured by others.

Special note: The looms and knitting machines used to make knitted cloth are generally smaller than the weaving and spinning machines used for the manufacture of woven textile fabrics which are formed into long, continuous lengths and sold in large bolts to cloth goods manufacturers.

3802-43 Leather goods, N.O.C.: Manufacture or repair

Applies to establishments engaged in the manufacture or repair of leather goods not covered by another classification (N.O.C.) including, but not limited to, belts, tack, holsters and other gun carrying accessories, knife sheaths, sports balls, or belts. Products manufactured in this classification can usually be worn or carried on the person and are often made individually. Tanned leather or imitation leather, glue, buckles, hooks, snaps and other fasteners, are purchased from outside sources. Leather may be skived (split) to desired thickness. Items are cut out on small die cutters or by hand, and the edges sanded and smoothed. Depending on the item being made, the leather is bent into shape, glued or sewn

either by machine or hand. Imitation leather or vinyl products are sometimes joined by heat sealing instead of gluing or sewing. Items may be dyed, which involves dipping in vats of dye for about 15 or 20 minutes, hanging until dry, then rubbing with rags. Guns are placed inside custom-made holsters and laid in a forming press to form the leather around the gun for a precise fit. Next, items are placed in dryers to dry and cure; then snaps, grommets or other finishing pieces are attached with hand tools. Tools and equipment include cutting blades, edge beveling tools, mallets, snap setters, and other hand tools, die cutters, sanders, sewing machines, forming presses, and small dryers. This classification also applies to establishments engaged in the manufacture and repair of sports balls such as footballs, soccer balls, and basketballs. Leather or vinyl, lining material, bladders (deflated balloon shapes made of synthetic rubber material with valves inserted), twine, thread, foil ribbon, paint, spray cleaners are received from outside sources. Pieces are cut from leather or vinyl on die cutters, sewn together inside out forming a shell, then eyelets are inserted with eyelet punches. Logos or names may be stamped on with a hot foil stamping machine. The seams are pounded out with mallets to smooth them, then the shell is turned right side out on table-mounted turners. The shells are placed onto table-mounted, ball-shaped molds, the bladders inserted, and air blown into the bladders with air compressors, forming the balls. The balls are placed onto holders, laced and closed with twine. Further designs may be applied with paint; balls are cleaned with a spray cleaner before packaging.

This classification excludes the tanning of leather which is to be reported separately in classification 4301 and the manufacture of bladders by rubber mixing or molding which is to be reported separately in classification 3513.

3802-44 Shoe or boot: Manufacturing or repair

Applies to establishments engaged in the manufacture of boots or shoes from raw materials such as leather, imitation leather, lining materials, rubber heels and soles, padding, thread and string, eyelets, tacks, buckles, rubber cement, dyes, waxes and polishes purchased from outside sources. Shoe or boot manufacturers may purchase shoe parts already cut to pattern, or may cut out their own patterns either by hand or on small dies. There are only a few shoemakers in Washington, most of whom make custom, hand-crafted boots or shoes. Operations include measuring feet to make molds or patterns, sewing by hand or machine, gluing, attaching eyelets or studs, tacking the upper pieces to the soles and heels, smoothing edges with grinders, dyeing, waxing, buffing, brushing and cleaning. Tools and equipment include tack hammers, awls, lasts (foot forms), hand cutting and punching tools, sewing machines, shoe jacks, foot-operated eyelet punching presses, sole stitchers (to stitch soles onto upper pieces), belt sanders and brush finishers. This classification also applies to shoe repair shops which use the same type of materials, tools and equipment used to make shoes and boots. Most shoe repair shops sell shoe accessories such as laces, insoles, polishes, which are usually displayed at the front of the shop; the sale of those items is included within the scope of this classification. The shops usually employ only

one or two persons and are often located in malls or strip malls.

This classification excludes the manufacture of molded rubber shoe parts such as heels, soles, which is to be reported separately in classification 3513; establishments engaged in tanning leather which are to be reported separately in classification 4301; and the manufacture of any other materials used in making shoes or boots which is to be reported separately as applicable.

3802-45 Rubber or pliable goods: Manufacturing by cutting or gluing

Applies to establishments engaged in the manufacture of rubber or pliable goods from premanufactured materials by hand cutting, die cutting, gluing, or heat bonding. Items manufactured in this classification include, but are not limited to, gaskets, seals, bindings for skis, grips for pens or handle bars on bicycles or motorcycles. Raw materials which are lightweight, flexible and generally do not exceed about 3/8" thickness or 1" in diameter, include, but are not limited to, neoprene (a man-made rubber), cork, or other compressed sheets made of materials such as felt, paper, foam, plastic, graphite, Teflon, strips of extruded rubber. Many of the products are made simply by die cutting flat materials into the desired shapes. Other products, such as O-rings, are made by cutting lengths of extruded rubber and joining the ends by gluing or heat-bonding them together to form a circle. Grips for pens or handle bars can be made by cutting rubber tubing to length and grinding the ends for a smooth finish.

This classification excludes establishments engaged in the manufacture of rubber products by molding processes which are to be reported separately in classification 3513.

3802-46 Tent, tarp, awning or shade, boat cover or sail: Manufacturing

Applies to establishments engaged in the manufacture or repair of tents, awnings or outside window shades, boat or automobile tops and covers, sails, fruit picking bags, or similar items made from canvas, duck and synthetic water resistant fabrics. Other materials purchased from outside sources include grommets, hooks, tie rope, netting, binding, trimmings, strapping, pipe or tubing, and metal tops for fruit picking bags. Operations include cutting, sewing or fabric welding which joins pieces by heat-sealing the edges, attaching grommets, and bending pipe or rods for frames. Tools and equipment include hand cutting or punching tools, powered material cutters, sewing machines, grommet punchers, pipe cutters and benders, and staplers.

This classification excludes establishments engaged in the welding of metal awning frames or supports and establishments engaged in the manufacture of metal awnings which are to be reported separately in the applicable metal goods classification; and the installation of any product manufactured in this classification which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-612 Classification 3808.

((Upholstery work, N.O.C.))

3808-00 Upholstery work, N.O.C.

Applies to establishments engaged in upholstery work not covered by another classification (N.O.C.). Upholstery work is the custom finishing of furniture and vehicle interiors with stuffing, cushioning, springs, and covering material. Some sewing is usually necessary. Items upholstered include, but are not limited to, chairs, sofas, foot stools, caskets, and seats for aircraft, automobiles, boats or other recreational vehicles (RVs). Upholstery work becomes part of the furniture or vehicle as opposed to removable pillows or cushions which are not permanently attached to the structure. Upholstery shops also perform refurbishing or renovation work which involves removing the old materials, replacing springs, stuffing or cushioning as necessary, and covering with new material. They might replace a vinyl top, trim molding, striping tape, or door edge guards on a car or boat which is included in this classification when done by employees of an employer subject to this classification. Customers usually bring the furniture or vehicle to the shop for upholstery work. Upholstery shops in this classification may sell some fabric as an incidental part of their operation; however, if any upholstery work is done at the shop, the entire operation is to be reported separately in classification 3808. This classification includes businesses which produce furniture entirely from foam rubber or other cushioning or stuffing, springs, and a covering material.

This classification excludes establishments engaged in the manufacture of mattresses which are to be reported separately in classification 3708; establishments engaged in making "throw pillows or cushions" which are to be reported separately in classification 3802; and establishments engaged in selling upholstery materials (but do no upholstery work) which are to be reported separately in classification 6406.

Special note: Classification 3808-00 may be assigned to physically separated upholstery departments of furniture or casket manufacturers, and automobile, aircraft, or RV manufacturers provided the conditions set forth in the general reporting rule covering the division of worker hours have been met.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-614 Classification 3901.

((Bakeries—retail

This classification applies only to those bakeries that sell products at retail primarily on the premises of the bakery and contemplates minimal delivery of products off premise such as delivery of wedding cakes.))

3901-00 Bakeries - retail

Applies to establishments engaged in the baking of assorted goods such as, but not limited to, breads, cakes, pies, and pastries for retail sales to walk-in customers. This classification includes "deli" sections in retail bakeries where bak-

ery products, and items such as soups, salads, sandwiches and beverages, are available for on-premises consumption. This classification also contemplates the occasional delivery of bakery items such as wedding cakes.

This classification excludes commercial wholesale bakeries that bake products for sale to trade customers such as supermarkets, restaurants, and distributors which are to be reported separately in classification 3906, and specialty bake shops that produce single product lines such as cookies and donuts, which are to be reported separately in classification 3901-01.

3901-01 Bakeries - retail - specialty shops

Applies to establishments engaged in operating specialty bake shops where products are sold exclusively to walk-in retail customers. A specialty bake shop is an establishment that makes and sells a single product line such as cookies, donuts, pies, or bagels to customers for consumption on or away from the premises. This classification includes related sales of beverages, as well as the occasional delivery of baked goods.

This classification excludes commercial wholesale bakeries that bake products for sale to trade customers such as supermarkets, restaurants, and distributors which are to be reported separately in classification 3906, and retail bakeries engaged in the baking of assorted goods such as breads, cakes, pies, and pastries, for retail sales to walk-in customers which are to be reported separately in classification 3901-00.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-615 Classification 3902.

((Fruit and vegetable cannery and freezer operations
Fruit and vegetable evaporating, preserving or dehydrating
Fruit syrup manufacturing, fruit juice manufacturing, jam or
jelly manufacturing, eider manufacturing

Pea vining

Corn products, chocolate and cocoa manufacturing

Baking powder, dextrine, glucose, and starch manufacturing

Nut shelling, egg breaking, coconut shredding and peanut handling

Food sundries manufacturing and food processing, N.O.C.

Peanut butter, honey, mayonnaise and instant potato manufacturing

Pickle manufacturing, sauerkraut manufacturing

Pet food manufacturing

Butter substitutes manufacturing

Breakfast food manufacturing

Poultry canning and canneries, N.O.C.

Vegetable oil manufacturing.))

3902-00 Fruit and vegetable: Cannery and freezer operations

Applies to establishments engaged in fruit and vegetable canning or freezing operations for wholesale customers. Operations contemplated by this classification include the receipt of fruit and vegetables directly from growers or dealers, preparing produce for canning by removing foreign materials such as leaves or weeds, washing, sterilizing, grading, peeling, slicing, coring, blanching, scalding and pre-

cooking, premeasuring, mixing them in a hopper with sugar or other ingredients, and further processing into canned or frozen products. Pea vining, when performed by employees of a cannery, is also included in this classification.

This classification excludes establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classification 3902-01; establishments engaged in manufacturing fruit juice, cider, jam or jelly which are to be reported separately in classification 3902-02; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification 2104; and pea vining when done by employees of farm operations or farm labor contractors which is to be reported separately in the applicable farm classification.

3902-01 Fruit and vegetable: Evaporating, preserving or dehydrating

Applies to establishments engaged in evaporating, preserving, or dehydrating fruits and vegetables for wholesale customers. Operations contemplated by this classification include the receipt of fruit and vegetables directly from growers or dealers, washing, peeling, cooking, pressing fruits and vegetables by machine, adding preservatives and congealants, pasteurizing, then dehydrating, drying, or evaporating to remove the moisture which preserves the fruits and vegetables and leaves only the dry, solid portion. Finished products are packaged in cans, plastic bags, or boxes for shipping.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in manufacturing fruit juice, cider, jam or jelly which are to be reported separately in classification 3902-02; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification 2104; and farm operations which are to be reported separately in the applicable farm classification.

3902-02 Fruit syrup or juice, cider, jam or jelly: Manufacturing

Applies to establishments engaged in the manufacture of fruit syrup, juice, cider, jam, or jelly. Operations contemplated by this classification include the receipt of fruit directly from growers or dealers, washing, peeling, and cooking the fruit, extracting juice and separating seeds from pulp with fruit presses or separators, adding sugars, congealants and preservatives, pasteurizing, blending juices to produce a variety of flavors, and further processing to produce bottled, canned, or concentrate products.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classification 3902-01; and farm operations which are to be reported separately in the applicable farm classification.

3902-11 Chocolate, cocoa, corn products: Manufacturing

Applies to establishments engaged in the manufacture of cocoa or chocolate such as Dutch or sweet chocolate or of corn products such as, but not limited to, tortillas. Operations

contemplated by this classification include receipt of corn and cocoa beans from growers or dealers, processing operations, testing, packaging and shipping. Foreign matter is removed from the cocoa beans and they are sorted, divided, cleaned, and roasted in ovens. Shells are cracked, usually by machines, and the beans examined to ensure quality. Depending on the products being manufactured, beans may be pasteurized, ground, further dried, mixed with chocolate liquor, sugar, powdered milk, cocoa butter, or potassium solutions to make into finished products. Depending on the corn product being made, ingredients are pressed, kneaded, cut, shaped or flattened, and baked or cooked.

This classification excludes establishments engaged in the manufacture of crackers, potato chips, ravioli, tamale, and pasta, or chocolate candy and confections which are to be reported separately in classification 3906, and farm operations which are to be reported separately in the applicable farm classification.

3902-12 Baking powder, dextrine, glucose and starch: Manufacturing

Applies to establishments engaged in the manufacture of baking powder, dextrine, glucose and starch. Operations contemplated by this classification include the receipt of vegetables and grains, such as, but not limited to, potatoes, corn, and wheat from growers or dealers, processing operations, testing, storing finished products in storage tanks, packaging into drums or cans, and shipping. Vegetables or grains are cleaned, sorted, and foreign matter removed. They are dumped onto conveyors and transported to grinding machines where they are ground into a starch paste. Water may be added to make liquid starch or starch milk or dryers may remove excess moisture. Starch blends may be made from raw starch suspensions using chemical solutions. Shakers remove bran, gluten or other particles from the starch suspension. Dextrine is made by further mixing the starch with dextrine paste, adding chemicals, cooking and stirring until the starch is converted to dextrine. Baking powder is made by mixing baking soda, starch, and an acid compound such as cream of tartar.

This classification excludes establishments engaged in the manufacture of food sundries not covered by another classification which are to be reported separately in classification 3902-14 and farm operations which are to be reported separately in the applicable farm classification.

3902-13 Nut shelling, egg breaking, coconut shredding and peanut handling

Applies to establishments engaged in nut shelling, egg breaking, coconut shredding, and peanut handling. Nuts are received from suppliers in bulk and placed into machinery which cracks shells and separates broken shells from the nut meat. Another machine sorts whole nut meats from those that are chipped, broken, or contaminated. At each machine, nuts are examined for rejects, and foreign matter is removed with a vacuum hose or by hand. They may be chopped, sliced, or left whole, then poured from the machines into sacks or containers. The meats of certain nuts, such as almonds, may be ground into meal, then canned for shipment. This classification also includes the grading and polishing of

nuts, and shredding of coconuts. Egg breaking machines break eggs and separate the yolk from the white. They are observed for color, quantity, and clarity; inferior yolks or whites are discarded prior to being automatically dropped onto separator trays with individual cups. Eggs may then be mixed with water, pasteurized or dried prior to packaging.

This classification excludes establishments engaged in the manufacture of oils which are to be reported separately in classification 3902-27 and establishments engaged in the manufacture of food sundries which are to be reported separately in classification 3902-14.

3902-14 Food sundries, N.O.C.: Manufacturing or processing

Applies to establishments engaged in the manufacture of a variety of miscellaneous food products not covered by another classification (N.O.C.). Products include, but are not limited to, imitation crab, spices, peanut butter, condiments, salsa, salad dressings, mayonnaise, soups, tofu, instant potatoes and other product blends. This classification also applies to the grinding and roasting of coffee beans. Operations contemplated by this classification include the receipt of raw ingredients from growers or dealers, processing operations, testing, quality control, laboratory operations, packaging and shipping. Individual processes, which vary depending on the product being manufactured, include, but are not limited to, cleaning, dividing, grinding, mixing, blending with other ingredients, cooking, cooling, dividing again into desired portions, and packaging. The products are packaged in plastic bags, bottles, or cans, usually by machine. Some products require vacuum sealing, pasteurizing, or freezing. This classification also includes the preparation of ready-to-eat salads, sandwiches, and similar food items for convenience stores and vending machines.

This classification excludes establishments engaged in the manufacture of crackers, potato chips, ravioli, tamale, pasta, cough drops, confectionery, and chewing gum which are to be reported separately in classification 3906 and farm operations which are to be reported separately in the applicable farm classification.

3902-15 Pickles and sauerkraut: Manufacturing

Applies to establishments engaged in the manufacture of pickles and sauerkraut. Operations contemplated by this classification include the receipt of produce from growers or dealers, processing operations, testing, laboratory operations, packaging and shipping. Produce, such as cucumbers and cabbage, is cleaned, cut, chopped and placed in barrels, vats, or tanks of brine (a mixture of salt, sugar, spices, vinegar) until cured. At the end of curing period, product may be packed into glass jars, plastic bags, or cans. This classification also applies to the pickling of fruits or vegetables such as, but not limited to, tomatoes, peppers, and asparagus.

This classification excludes establishments engaged in canning or freezing of fruits and vegetables which are to be reported separately in classification 3902-00; establishments engaged in evaporating, preserving or dehydrating fruits and vegetables which are to be reported separately in classification 3902-01; establishments engaged in packing fresh vegetables and fruits which are to be reported separately in classification

2104; and farm operations which are to be reported separately in the applicable farm classification.

3902-17 Pet food: Manufacturing

Applies to establishments engaged in the manufacture of canned pet foods. Operations contemplated by this classification include the receipt of raw ingredients, processing operations, packaging and shipping. After bones and foreign matter are removed, raw ingredients are cleaned and ground. Depending on the product, various ingredients such as, but not limited to, animal meat and fat, fish by-products, corn meal, soybean meal, ground wheat, rice, poultry, yeast, whey, salt, acids, chemicals, minerals, vitamins, water, or oil are mixed in large vats either by machine or by hand. Mixture is baked, dried, and shaped or packed into cans.

This classification excludes establishments engaged in the manufacture of dry pet food which is to be reported separately in classification 2101 and farm operations which are to be reported separately in the applicable farm classification.

3902-24 Breakfast food: Manufacturing

Applies to establishments engaged in the manufacture of breakfast foods such as cereals or breakfast bars. Operations contemplated by this classification include the receipt of ingredients, processing operations, quality control, laboratory operations, packaging, and shipping. Flour, meal, or milled grains such as, but not limited to, corn, oats, barley, wheat, and nuts are mixed with other ingredients, formed into a dough, rolled out and extruded into flakes or other shapes. Pressure cylinders may be used to expand or puff whole grains. Cereals may be sifted through screens to check for size, color, and uniformity or otherwise tested for quality, then baked or dried in bulk prior to packaging.

This classification excludes establishments engaged in the manufacture of wholesale bakery goods which are to be reported separately in classification 3906; establishments engaged in milling or grinding operations which are to be reported separately in classification 2101; and farm operations which are to be reported separately in the applicable farm classification.

3902-26 Poultry canning and canneries, N.O.C.

Applies to establishments engaged in canning poultry or canning operations not covered by another classification (N.O.C.). Operations contemplated by this classification include the receipt of poultry or other products, processing operations, quality control, laboratory operations, packaging, and shipping. The process includes, but is not limited to, washing, cutting or chopping, and cooking poultry or other foods items. Preservatives or flavorings may be added before product is sealed in cans or jars.

This classification excludes establishments engaged in canning or freezing fruits or vegetables which are to be reported separately in classification 3902-00 and establishments engaged in canning or dehydrating meat products which are to be reported separately in classification 4301.

3902-27 Vegetable oil or butter substitutes: Manufacturing

Applies to establishments engaged in the manufacture of salad or vegetable oils, shortening, margarine or other butter

substitutes. Operations contemplated by this classification include the receipt of seeds or beans from growers or through dealers, processing operations, quality control, laboratory operations, packaging and shipping. To make oils, soybeans, cottonseeds, safflower seeds, or shelled corn is cracked, ground, milled, steam cooked, and pressed to extract the oil. Depending on the product being made, other ingredients such as water, milk, powdered milk or salt may be blended with the oil, then heated, filtered, and filled into cans or bottles. To make shortening or butter substitutes, flavoring, catalytic agents, and chemicals are added to harden the oils; some products are kneaded to spread the coloring uniformly; then they are packaged in cans, plastic containers, or wrapped in plastic or foil. Machinery includes, but is not limited to, grinders, screens, presses, extractors, dryers, and conveyors.

This classification excludes establishments engaged in the manufacture of "real" butter which are to be reported separately in classification 4002 and farm operations which are to be reported separately in the applicable farm classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-616 Classification 3903.

((Sugar refining

Molasses manufacturing, syrup manufacturing, N.O.C.))

3903-08 Sugar refining; molasses and syrup, N.O.C.: Manufacturing

Applies to establishments engaged in processing (milling) sugar cane and sugar beets into various forms of powdered and granulated sugar, and the manufacture of molasses and sugar syrups not covered by another classification (N.O.C.). Operations contemplated by this classification include the receipt of sugar cane or sugar beets directly from growers or dealers, crushing or rolling cane to obtain the juice or washing, slicing, and cooking the beets to obtain the juice, evaporating the juice to produce a crystallized substance, and further processing to produce the final product such as granular sugar, white powdered sugar, and brown sugar. Common by-products of a sugar refining operation are molasses and sugar syrups. In some cases an establishment may produce only the sugar syrup and/or molasses, not the crystallized forms of sugar. This classification applies to all of the above operations as the processes to produce sugar syrup and molasses products are similar to those used to produce crystallized sugar.

This classification excludes establishments engaged in the manufacture of fruit syrup, juice, cider, jam or jelly which are to be reported separately in classification 3902.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-618 Classification 3905.

((Cocktail and soft drink lounges

Commissaries and restaurants with construction, erection, logging or mine operations

Eating establishments, N.O.C., such as public lunch counters in stores, ice cream parlors, popcorn stores or stands, and retail candy stores with on premise manufacturing

Espresso/coffee stands and carts

Food, drink, candy, etc. concessionaires at parks, tracks and exhibitions including vending concessionaires dispensing food, drink, candy, etc. at ball parks, race tracks, theatres and exhibitions

Restaurants and taverns

This classification is not applicable to street vendors or route food services who shall be rated under class 1101 (WAC 296-17-536-))

3905-00 Restaurants, N.O.C.

Applies to establishments engaged in restaurant operations not covered by another classification (N.O.C.). These establishments are "traditional, family or full service" restaurants that provide sit-down services, or cafeteria or buffet style meals. This classification includes the preparation and service of food and beverages. Establishments in this classification may serve beer and wine; however, they are prohibited from selling hard liquor, cocktails, and mixed drinks that Class H restaurants sell. Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in conjunction with the restaurant.

This classification excludes establishments engaged in operating Class H restaurants or lounges that sell hard liquor, cocktails, and mixed drinks which are to be reported separately in classification 3905-07 and catering services that are not part of the restaurant operation which are to be reported separately in classification 3909.

Special note: Traditional, family or full service restaurants are establishments where wait persons bring customers a menu, take orders, and deliver prepared meals to the customer's table or where customers choose from a variety of food items from a buffet or cafeteria style service. Such establishments will generally use nondisposable eating utensils and plates to serve food as opposed to throw away paper plates and plastic eating utensils. Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-01 Food, drink, and candy vending concessionaires at theatres, parks, tracks, and exhibitions

Applies to establishments engaged in operating food, drink or candy concessions at ball parks, race tracks, theaters and exhibitions. This classification is applicable only to concession operations which are operated independent from the facility or event at which the concession service is being provided. These independent vendors selling food items are not employees of the facility or site where the event or exhibition is taking place. Vendors subject to this classification sell a

variety of food, snack and beverage items from booths, mobile push carts, mobile stands, carrying boxes, or trays.

This classification excludes food and beverage operations (concession stands) operated in connection with an event or facility by employees of the event sponsor or facility operator which are to be reported separately in the classification applicable to the event or exhibition; street vendors or route food services which are to be reported separately in classification 1101; vendors of nonfood items which are to be reported separately in the applicable classification; and vending machine service companies that replenish food, snack and beverage products which are to be reported separately in classification 0606.

3905-03 Commissaries and restaurants with construction, erection, logging or mine operations

Applies to commissary or restaurant operations conducted exclusively in connection with a construction, erection, logging or mining camp operation. This classification is limited to food preparation services provided at a camp site or at a mess hall used to feed employees of the construction, logging, erection, or mining company. The foods prepared and served are not intended for, or offered to, the general public.

Special note: The purpose of this classification is to provide employees engaged in the food preparation activity with a classification representative of the work being performed, even though such activities may be occurring at or adjacent to the construction, logging, erection or mining site as provided for in the general reporting rule covering general inclusions.

3905-04 Eating establishments, N.O.C. such as public lunch counters in stores

Applies to establishments not covered by another classification (N.O.C.) engaged in operating lunch counters and restaurants within a retail store location. Use of this classification is limited to employees of an employer who also operates the retail store where the food service is located.

3905-06 Taverns

Applies to establishments engaged in the operation of a tavern. A tavern is primarily engaged in the sale of beer and wine for on-premises consumption, and may also provide a variety of foods ranging from peanuts and pretzels to hot food dishes. Typical occupations include, but are not limited to, bartenders, waiters, waitresses, cooks, busboys, dishwashers, and managerial staff. Beer may also be sold by the keg with the rental of necessary taps and pumps. This classification includes the operation of a "beer garden" at special events such as, but not limited to, fairs or race meets, and the operation of a card room in connection with the tavern.

This classification excludes restaurants with a Class H license that sell hard liquor which are to be reported separately in classification 3905-07.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a tavern are to be reported separately in classification 6605.

3905-07 Class H restaurants

Applies to establishments engaged in the operation of a Class H restaurant. A Class H restaurant is defined as having a legal permit to offer the sales of hard liquor, mixed drinks, and cocktails in connection with their food preparation and service. This classification includes the preparation and service of food and beverages at sit down restaurants and lounges. Such establishments have extensive cooking facilities and equipment to prepare full meals. Typical occupations covered by this classification include, but are not limited to, bartenders, hostesses, waiters, waitresses, valet parking attendants, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in connection with the restaurant.

This classification excludes establishments engaged as a restaurant without a Class H license which are to be reported separately in classification 3905-00; taverns which are to be reported separately in classification 3905-06; catering services which are not part of a restaurant operation which are to be reported separately in classification 3909; musicians who are to be reported separately in classification 6605; and entertainers such as dancers who are to be reported separately in classification 6620.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-08 Pizza parlors

Applies to establishments engaged in operating a pizza parlor or restaurant. Establishments subject to this classification specialize in the preparation and sales of pizza (but may also provide other foods) and beverages such as wine, beer, or soft drinks for on-premises consumption. Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwasher, cashiers, and managerial staff. This classification also includes establishments that deliver pizza to customers, or where customers can pick up already prepared pizza at the shop, but where no customer seating is provided.

This classification excludes pizza parlors with a Class H license which are to be reported separately in classification 3905-07 and U-bake pizza operations which are to be reported separately in classification 6403.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a pizza parlor are to be reported separately in classification 6605.

3905-09 Fast food drive-ins, N.O.C.

Applies to establishments engaged in the operation of fast food drive-ins or restaurants. These establishments serve

easily prepared foods quickly and nonalcoholic beverages which can be eaten on the premises or picked up by customers at a counter or a drive through window. Fast food establishments offer a variety of menu items such as, but not limited to, hamburgers, french fries, tacos, sandwiches, fried chicken, hot dogs, fish and chips.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101 and full service restaurants which are to be reported separately in classification 3905-00.

3905-11 Soft drink lounges

Applies to establishments engaged in operating soft drink lounges. These types of establishments may provide entertainment such as dancing for an adult audience or a place where youths under the age of 21 can dance or listen to music. These lounges do not sell alcoholic beverages. This classification includes the preparation and service of light snacks and hors d'oeuvres, such as chips, peanuts, pretzels or finger sandwiches.

This classification excludes entertainers such as exotic dancers who are to be reported separately in classification 6620 and musicians who are to be reported separately in classification 6605.

Special note: Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a lounge are to be reported separately in classification 6605 or 6620 as applicable.

3905-12 Ice cream parlors

Applies to establishments engaged in the operation of an ice cream parlor or frozen yogurt shop. These specialty shops offer a limited menu, usually confined to ice cream and frozen yogurt offered in individual servings, various size containers, and specialty items. Special occasion ice cream cakes may be ordered and picked up at a later date by the customer. These establishments usually provide customer seating.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.

3905-13 Candy, nut, and popcorn retail stores with on-premises manufacturing

Applies to establishments engaged in operating candy, nut or popcorn stores where some or all the products sold are manufactured on the premises. Establishments in this classification may sell a variety of candies, nuts, or popcorn, or may specialize in one or two products. They may also sell their products in gift wrapped packages.

This classification excludes establishments engaged in selling candy, nuts, or popcorn, that do not manufacture any product on the premises, which are to be reported separately in classification 6406, and establishments primarily engaged in the wholesale manufacturing of candy which is to be reported separately in classification 3906.

3905-14 Espresso/coffee stands and carts

Applies to vendors operating espresso or coffee stands or carts. Products sold include, but are not limited to, coffee, espresso, lattes, Italian sodas, soft drinks, pastries and pre-packaged items. These types of vendors do not prepare food. This classification is distinguishable from retail coffee, tea or spice stores in that coffee stands or carts in classification 3905 sell only ready-to-serve products; they do not sell packaged coffee, tea or spice items.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-61801 Classification 3906.

((Bakeries, cracker or potato chip manufacturing, N.O.C. Confectionery and chewing gum manufacturing Cough drop manufacturing Macaroni manufacturing Pizza manufacturing, N.O.C. Ravioli or tamale manufacturing-))
3906-00 Bakeries, N.O.C.

Applies to establishments engaged in the manufacture of baked goods not covered by another classification (N.O.C.) such as, but not limited to, bread, rolls, tarts, pies, cakes, cookies, bread stuffing and bread crumbs, for sale to supermarkets, restaurants, distributors, and other wholesale customers. Processes for making baked goods vary somewhat, but most are similar to that of baking bread. To make bread, ingredients such as, but not limited to, flour, water, salt, leavening, eggs, milk, sugar, shortening, and preservatives are mixed by machine or by hand and formed into dough. The dough is fed into a hopper which further kneads it and shapes it into a ball. Molders shape the dough balls into cylinders that are ready to be placed in pans. Automatic loaders move the pans through tunnel ovens. After baking, products are mechanically sliced and wrapped, then shipped to customers as quickly as possible due to the relatively short shelf life of baked goods. Machinery includes, but is not limited to, dough troughs, cake depositors, filler and icing machines, conveyors, deep fryers, bun machines, molders, ovens, mixers, flour dust collectors, and racks.

This classification excludes retail bakeries which are to be reported separately in classification 3901; route delivery drivers who are not employees of the bakery who are to be reported separately in classification 1101; and establishments engaged in the manufacture of other foods which are to be reported separately as applicable.

3906-01 Cracker: Manufacturing N.O.C.

Applies to establishments engaged in the manufacture of crackers, and other "dry" bakery products not covered by another classification (N.O.C.) such as, but not limited to, biscuits, wafers, and pretzels for sale to supermarkets, restaurants, distributors and other wholesale customers. Depending on the specific product being made, ingredients such as, but not limited to, flour, sugar, water, salt, soda, yeast, flavorings, and additives are mixed together and formed into

PERMANENT

dough. The dough is fed through a hopper into a roller, then shaped into product and baked in ovens. Machinery includes, but is not limited to, mixers, ovens, conveyors, packaging and package-handling equipment.

This classification excludes retail bakeries which are to be reported separately in classification 3901 and route delivery drivers who are not employees of the dry bakery goods manufacturer who are to be reported separately in classification 1101.

3906-02 Potato chip: Manufacturing N.O.C.

Applies to establishments engaged in the manufacture of potato chips and similar snack foods not covered by another classification (N.O.C.) such as, but not limited to, fried corn or cheese chips for sale to wholesale customers. To make potato chips, potatoes are washed, sliced, salted, and fried in cooking vats. Automatic rakes stir the potato slices to ensure uniform cooking. As chips emerge from the vats onto conveyors, they are inspected for color and quality. Burned, discolored, or broken chips are discarded; the rest are packaged for sale. Other types of fried chips are made by mixing dry ingredients which are then deep fried, inspected and packaged. Machinery includes, but is not limited to, slicing equipment, mixers, deep fryers or cooking vats, pan greasers, ovens, conveyors, packaging and package-handling equipment. This classification includes delivery of the product when done by employees of an employer subject to this classification.

This classification excludes route drivers who are not employees of the chip manufacturer who are to be reported separately in classification 1101.

3906-03 Ravioli and tamale: Manufacturing

Applies to establishments engaged in the manufacture of ravioli, tamales, tortellini or similar frozen or ready-to-cook foods, for sale to wholesale customers. Ingredients include, but are not limited to, cornmeal, flour, ground meats, cheeses, seasonings, tomatoes or tomato paste, sauces, and corn husks. Depending on the specific product being made, ingredients are mixed together, placed in shells, pasta or corn husks, or otherwise prepared, cooked, inspected, wrapped, packaged and, in some cases, frozen. Machinery includes, but is not limited to, mixing or blending machines, deep fryers or cooking vats, ovens, conveyors, packaging and package-handling equipment, and freezers.

This classification excludes route drivers who are not employees of the food product manufacturer who are to be reported separately in classification 1101.

3906-04 Pasta: Manufacturing

Applies to establishments engaged in the manufacture of pasta products such as, but not limited to, macaroni, spaghetti, or noodles for sale to supermarkets, restaurants, distributors and other wholesale customers. Ingredients such as, but not limited to, flour, sugar, salt, seasonings, preservatives, oils, and water are mixed in mixing machines to form the dough. The dough is further mixed and kneaded, pressed through rollers to regulate thickness, cut with machinery or by hand to desired size and shape, then wrapped in cellophane or packaged in cartons. Machinery includes, but is not limited to, dough mixers, dough kneaders, rollers, cutting and

slitting machines, hydraulic presses, ovens, conveyors, and packaging and package-handling equipment.

This classification excludes route drivers who are not employees of the manufacturer who are to be reported separately in classification 1101.

3906-05 Confectionery, chewing gum or cough drop: Manufacturing

Applies to establishments engaged in the manufacture of confectionery products, chewing gum or cough drops for sale to wholesale customers. Confections include, but are not limited to, candies such as creams, caramels, mints, hard candies, gum drops, glazed fruits, nut brittle, a wide variety of chocolate candy, and molded sugar cake decorations, such as, but not limited to, rosettes, candle holders, and colorful edible images used to decorate cakes or cookies. This classification includes both cooked and uncooked confection products. Because of the variety of candies and confections included in this classification, preparation and finishing processes which individualize the product may vary widely. Ingredients include, but are not limited to, sugar, flour, starch, nuts, milk, water, flavorings, cocoa, and coloring. Depending on specific product being made, ingredients are weighed, mixed or beat. Further processing may include heating, pressure cooking, baking, or forming uncooked mixtures (referred to as "paste" or frosting) into products by twirling, pressing, molding, or otherwise shaping. Confection products may be individually wrapped or packed in boxes, cans, trays, or other containers. Machinery includes, but is not limited to, ranges, burners, various sized kettles, pots, pressure cookers, trays, mixing, cutting, or filling machines, hoppers, conveyors, die cutters, presses, coolers, and packaging and package-handling equipment. The manufacture of chewing gum and cough drops is similar although ingredients vary somewhat.

This classification excludes route drivers who are not employees of the confection manufacturer who are to be reported separately in classification 1101; candy store operations with on-premise manufacturing which are to be reported separately in classification 3905-13; and candy store operations with no manufacturing which are to be reported separately in classification 6406.

3906-07 Pizza: Manufacturing, N.O.C.

Applies to establishments engaged in the manufacture of frozen or ready-to-bake pizza not covered by another classification (N.O.C.) for sale to wholesale customers. Dough is mixed and rolled out to form the crust; sauce and a variety of toppings such as meats, cheese, vegetables are arranged on top of the crust. Pizzas are wrapped in plastic wrap, packaged, and stored in freezers prior to delivery. Machinery includes, but is not limited to, mixers, rolling devices, ovens, conveyors, packaging and package-handling equipment, and freezers.

This classification excludes route drivers who are not employees of the pizza manufacturer who are to be reported separately in classification 1101; pizza parlors which are to be reported separately in classification 3905; and U-bake pizza stores which are to be reported separately in classification 6403.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-61804 Classification 3909.

~~((Caterers~~

~~Meals-on-wheels~~

~~This classification excludes route food services reported separately, in risk classification 1101-))~~

3909-00 Caterers

Applies to establishments engaged in catering operations. This classification includes the preparation and serving of food and beverages for customers who have arranged for their services for social and business events such as weddings, parties, bar mitzvahs, meetings or banquets. Foods prepared and served range from deli trays, sandwiches, box lunches, and buffets, to full meals. The food may be prepared at the caterer's own facility and delivered to the customer's location or may be prepared at the customer's location. Catering services include, but are not limited to, event planning, arranging tables, decorations, supplying utensils and dishes, bartending, waiting and bussing tables, and taking care of left-over food and related clean-up after the event. This classification also includes catering to airlines which involves preparing various foods and direct delivery to the airline with special trucks that maintain hot or cold foods. This classification also applies to food services provided by communities or civic/social organizations to local residents who, because of physical disability or age, are unable to prepare their own food. The food is prepared and delivered to the client's home.

This classification excludes street vendors or route food services which are to be reported separately in classification 1101.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-619 Classification 4002.

~~((Creameries or milk and milk products processing including butter, cheese, ice cream, ice cream mix, and condensed milk~~

~~This classification does not include dairy or farming operations which are to be reported separately in classification 7301-))~~

4002-00 Dairy products, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of dairy products not covered by another classification (N.O.C.) such as, but not limited to, whole, low fat, skim, powdered, flavored and condensed milk, buttermilk, cream, half-and-half, and eggnog. Raw milk may be purchased from others or furnished by the manufacturer's own dairy operation. Other ingredients usually purchased elsewhere include, but are not limited to, flavorings, sweeteners, nutrients, bacteria and yogurt cultures, and paper, glass or plastic containers for packaging finished products. Raw milk is delivered by insulated tanker trucks after it is tested for antibiotics, bacteria and microorganism counts, temperature, and fat content. The raw milk is pumped from the trucks into refrigerated silos or tanks; the cream is skimmed from the top and pumped into separate storage tanks for further blending to ensure the cor-

rect fat and nutrient content. The remaining milk may be evaporated, homogenized, pasteurized, cooled, tested for quality, and further processed into various milk products which are filled into gallons, half gallons, quarts, pints and half-pint containers and packaged for shipping. This classification includes the incidental manufacture of butter, ice cream, or cheese products when done by employees of an employer subject to this classification.

This classification excludes establishments primarily engaged in the manufacture of butter, cheese, ice cream and ice cream mixes which are to be reported separately in classification 4002-01 and dairy farming operations which are to be reported separately in classification 7301.

4002-01 Butter, cheese, ice cream and ice cream mix; Manufacturing

Applies to establishments engaged in the manufacture of dairy products such as, but not limited to, butter, natural or processed cheeses, cottage cheese, cheese dips or spreads, custards, whipped topping, ice cream, milkshake or ice cream mixes, ice milk, sherbet. Raw milk may be purchased from others or furnished by the manufacturer's own dairy operation. Other raw materials usually purchased elsewhere include, but are not limited to, flavoring, coloring agents, salts, additives and preservatives, plastic or oiled wrappings, and paper, glass or plastic containers for packaging finished product. Raw milk is delivered by insulated tanker trucks and pumped from the trucks into refrigerated silos or tanks. Initial processes are similar for products manufactured in this classification, but end processes vary, depending on the product being made. To make cheese, raw milk is heat treated and pasteurized, cooled, moved through separators which adjust fat composition by skimming the milk or adding cream, then pumped into vessels or cheese vats. Lactic acid and enzymes are added to purify and clot the milk and form a gel which is cut into tiny cubes. Other additives, preservatives, or flavorings may be added at this point. The mixture of curds and whey (the liquid by-product lost from curds after cutting) is heated by allowing steam to enter the outer jacket of the vat. The mixture is stirred, whey is drained from curds and transported to evaporators and spray dryers which condense the whey into a powder form. Aside from salting, little more is done to curds to make unripened cheeses such as cream cheese or cottage cheese. When making firmer cheeses, the next step involves knitting or stretching the drained curds for texture. This process will vary according to the type of cheese being produced, but activities commonly involve preliminary packing, pressing or pulling of the curds in hot water, or turning curd blocks (called "cheddaring"). The curd blocks are milled (cut into finger-sized pieces) and moved through a trough or air block through tubing to other vats for further processing. In other processes, curds are collected in hoops (metal containers lined with cloth or plastic) and pressed into blocks or molds, or barrels. Hydraulic presses are used to press cheese, and vacuum chambers may be used to remove air. Cured cheese blocks may be packaged in corrugated cartons, or cut into smaller blocks, vacuum sealed in plastic, then packaged in boxes, or cut or shredded prior to packaging.

This classification excludes establishments primarily engaged in the manufacture of milk and other related dairy products not covered by another classification which are to be reported separately in classification 4002-00; establishments engaged in the manufacture of cheese-based salad dressings which are to be reported separately in classification 3902; and dairy farming operations which are to be reported separately in classification 7301.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-620 Classification 4101.

~~((Printing, lithography, engraving, map printing, and silk screening, N.O.C.~~

~~Rubber stamp manufacturing and assembling
Bookbinding~~

~~This classification excludes photographic composition or prepress work such as photographic or computerized typesetting, layout, paste up, editing and proofreading, camera work and plate making which is to be reported separately in classification 4904~~

~~Any employee involved in printing operations subject to this classification will be reported in classification 4101 without division of hours:))~~

4101-00 Printing, lithography, engraving, map printing and silk screening, N.O.C.

Applies to establishments engaged in providing a variety of printing services not covered by another classification (N.O.C.) to others. Operations contemplated include, but are not limited to, the press room, assembly and staging areas, shipping departments, and delivery. *Printing:* This category covers many types of printing including offset cold press and letterpress printing. *Lithography:* This category of printing is similar to letterpress printing with the process used to transfer images to paper (stock) being the distinction. In letterpress printing the image is transferred directly from plate to stock. In lithography an additional cylinder containing a rubber blanket is used. The process is plate to blanket to stock. *Engraving:* This applies to a process wherein designs or images are incised into the surface of a material from which printing impressions can be made. *Map printing:* This applies to an end product produced by a printer rather than a specialty form of printing. *Silk screening (or screen printing):* This applies to a specialty type of printing wherein a silk, nylon or metal screen contains the desired image and ink is forced through the screen to form the design on paper or other medium. Products produced by establishments subject to this classification include, but are not limited to, catalogs, booklets, pamphlets, brochures, books, letterhead, paper signs, and specialty invitation and business cards.

This classification excludes photographic composition or prepress work such as, but not limited to, photographic or computerized typesetting, layout, paste up, editing, proofreading, camera work and automated plate making which are to be reported separately in classification 4904. *Employees of an employer subject to this classification who have both photographic composition/prepress work duties and duties which are subject to this classification (4101) are to be*

reported separately in classification 4101 without a division of work hours. This classification also excludes newspaper publishers who are to be reported separately in classification 4103 and establishments engaged in cloth printing operations which are to be reported separately in classification 3802.

4101-02 Rubber stamp: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of all types of rubber or synthetic rubber stamps or marking devices for others. Products produced by establishments subject to this classification include, but are not limited to, date, character, name and address stamps. Stamps may be produced by hand or machine and can be made from a variety of natural or synthetic materials. Finished stamps are attached to handles or coverings purchased from others.

4101-03 Bookbinding

Applies to establishments engaged in bookbinding and/or the restoration of old or damaged books using methods similar to those employed by bookbinders described by this classification. One definition of bookbinding is all further treatment of stock after printing which may include cutting, folding, trimming, gathering, stitching, gluing and casing. There are two general types of binding: Pamphlet binding and bookbinding. Pamphlet binding is used for such material as folders, booklets, catalogs and magazines. An automatic feeder carries the sheets to a folding machine. After folding, the sheets can be collated either by hand or by machine and either saddle-wire or side-wire stitched, depending on the thickness of the material being bound. There are a number of ways to bind a book, the most common being "edition" binding, also known as hard cover or cases binding, where the papers are sewn together by specialized sewing machines. This process is used when permanence is desired. "Perfect" binding is a less expensive type of binding as it requires no sewing or stitching and uses a pliable adhesive for binding.

This classification excludes photographic composition or prepress work such as photographic or computerized typesetting, layout, paste up, editing and proofreading, camera work and automated plate making which is to be reported separately in classification 4904. *Employees of an employer subject to this classification who have both photographic composition and/or prepress duties and duties which are subject to this classification (4101) are to be reported in classification 4101 without a division of work hours.*

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-622 Classification 4103.

~~((Newspaper publishing~~

~~This classification excludes photographic composition or prepress work such as photographic or computerized typesetting, layout, paste up, editing and proofreading, camera work and plate making which is to be reported separately in classification 4904~~

~~Any employee involved in printing operations subject to this classification will be reported in classification 4103 without division of hours~~

~~Outside reporters, advertising or circulation solicitors and photographers with no other duties are to be reported separately in classification 6303.~~

~~Newspaper publishers with no printing operations will be governed by WAC 296-17-44001, "business described by a standard exception classification.")~~

4103-01 Newspaper publishing

Applies to establishments engaged in publishing daily or periodic newspapers. This classification includes the printing, distribution and general maintenance activities of the newspaper. The printing operation usually consists of one of three processes: Offset lithography, letterpress, or flexography. After the papers are printed, they are cut, folded and stacked either manually or by computer-operated machinery. Route managers then distribute the papers to door-to-door carriers or independent route delivery drivers. Typical occupations covered by this classification include bindery workers, press operators, freight handlers, machine feeders, production helpers, maintenance workers and drivers.

This classification excludes photo composition or prepress work such as photographic or computerized typesetting, layout, paste up, editing, proofreading, camera work and automated platemaking which is to be reported separately in classification 4904; outside reporters, photographers, sales personnel, advertising staff and circulation solicitors who are to be reported separately in classification 6303; and establishments engaged in printing operations for newspapers published by other firms which are to be reported separately in classification 4101.

Special note: Newspapers without any printing operations are governed by the general reporting rule covering businesses described by a standard exception classification. *Employees of an employer subject to this classification who have both photographic composition/prepress work duties and duties which are subject to this classification (4101) are to be reported separately in classification 4101 without a division of work hours.*

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-626 Classification 4107. ((Business machine service, adjustment, or repair, N.O.C. This classification includes the installation of typewriters, adding machines and reproduction machines (either electric or manual), main frame and micro/mini computer systems and x-ray equipment
Piano tuning:))

4107-04 Business machine: Service, adjustment, repair, and installation, N.O.C.

Applies to establishments engaged in the adjustment, service, or repair of business machines not covered by another classification (N.O.C.). Types of business machines include, but are not limited to, typewriters, copy, postage meters, keypunch, fax machines, computer components, X-ray and other medical-related electronic equipment. Work contemplated by this classification includes low voltage rewiring to the point of connecting to the live circuit. This classification includes all work performed on the customer's premises as well as in the employer's shop. This classifica-

tion also includes service or repair of depth finders, radar, computerized or noncomputerized embroidery machines and the replacement or refilling of nontoxic toner in printer cartridges which is sometimes referred to as remanufacturing. The plate is removed from used cartridges, residuals of old toner is removed with hand-held vacuums, and the cartridge is wiped clean. After pouring new toner into the cartridge, the plate is replaced and the cartridge is considered new. Used toner is wrapped in plastic and discarded.

This classification excludes electrical work with a live power source which is to be reported separately in classification 0601.

4107-20 Piano tuning

Applies to establishments engaged in tuning services for pianos, organs, and other keyboard musical instruments. Establishments in this classification will tune, clean, replace the felt, and provide minor repair service such as, but not limited to, the removal and replacement of bad cords, regluing broken keys, or replacing faulty foot pedals. This classification includes all work performed on the customer's premises as well as in the shop.

This classification excludes establishments engaged in the sale of pianos and organs which are to be reported separately in classification 6306; establishments engaged in the sale of other types of musical instruments such as string, wind and percussion instruments, which are to be reported separately in classification 6406; and establishments engaged in the reconditioning of pianos and organs (and the related sales of reconditioned pianos and organs) which are to be reported separately in classification 2906.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-627 Classification 4108.

((Letter service shops and mailing or addressing companies
This classification includes clerical office employees and sales personnel:))

4108-15 Letter service shops and mailing or addressing companies

Applies to establishments engaged in providing large volume mailing and addressing services. This could be the routine mailing of periodicals or advertising brochures or a one-time letter to a particular list of recipients. Work contemplated by this classification includes, but is not limited to, folding, sorting, labeling and stuffing envelopes (either by hand or machine), clerical support, outside sales work, pick up of preprinted material from a client's location and delivery of completed work to the client or post office when done by employees of an employer having operations subject to this classification. Companies in this classification may also research and compile mailing lists as an additional service for their clients who are involved in direct mail advertising. This classification includes contracting of complete mail room services at a client's location.

This classification excludes printing of advertising material which is to be reported separately in classification 4101 and photocopying or duplicating of printed material, private mail box services (receipt and mailing of routine ready-to-

mail letters and packages) for box renters, and package wrapping/mailing services, all of which are to be reported separately in classification 6406.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-628 Classification 4109.

((Sign painting in shop

Sign painting or lettering inside buildings

This classification does not include painting done in connection with sign manufacturing which is to be reported separately in classification 2903, classification 3404, classification 3503, or classification 3510 as applicable; or painting done in connection with sign repair which is to be reported separately in classification 0403. Sign erection outside is to be reported separately in classification 0403.))

4109-10 Sign painting or lettering inside buildings

Applies to establishments engaged in sign painting or lettering inside a customer's building. This type of painting includes, but is not limited to, names, addresses and office hours on a door or window, and signs in the form of lettering/illustrations on an interior wall. Work contemplated by this classification includes preparing the surface by cleaning, sanding, etc., applying the lettering/illustrations by appropriate method (brushing, rolling, spraying, etc.), and applying a protective finish. This classification includes the painting of scenery, by a contractor, in a shop or theater (if done by the employees of a theater or television broadcasting station it would be an inclusion in classification 4504 or 4502 as applicable), and the painting of an interior mural.

This classification excludes sign painting shops that paint on, or apply vinyl lettering to, precut backings which are to be reported separately in classification 4109-18; painting in a shop that is not covered by another classification which is to be reported separately in classification 3603-12; and the painting, repair or erection of signs or murals on any part of the exterior of a building which is to be reported separately in classification 0403.

4109-18 Sign painting in shop

Applies to establishments engaged in providing sign painting services in their shop. The use of this classification is limited to painting on, or applying vinyl lettering to, precut mediums (sign backings) provided by the customer or purchased elsewhere; it does not contemplate the manufacture of the sign backing. (Vinyl lettering or designs are usually computerized. Lettering or designs are entered into a computer; a plotter/cutter attached to the computer cuts the programmed design or lettering from rolls of vinyl.) Work contemplated by this classification includes preparing the surface by cleaning, sanding, etc., applying the lettering/illustrations by appropriate method (such as brushing, rolling, spraying, applying vinyl designs), and applying a protective finish. This classification includes making and applying vinyl lettering in place of painted lettering and lettering/illustrating on vehicles not in connection with auto body repair or painting.

This classification excludes the painting or lettering of signs in buildings which is to be reported separately in classification

4109-10; painting in a shop which is to be reported separately in classification 3603 (unless the painting is included in another classification); the painting, repair or erection of signs on any part of the exterior of a building which is to be reported separately in classification 0403; and sign painting in connection with sign manufacturing operations which is to be reported separately in the applicable manufacturing classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-629 Classification 4201.

((Coal dock operation—by means of mechanical apparatus, including stevedoring

Longshoring and stevedoring

Port districts, including sales personnel

Stevedoring, by hand or hand truck exclusively, no hoisting of cargo

Stevedoring, loading and unloading ships designed for freight-carrying containers

Stevedoring, N.O.C., supercargo checkers

Tallymen, checking clerks in connection with stevedoring work

Wharf and pier, operation

This classification includes employees engaged in mending and repacking of damaged containers in connection with stevedoring work.))

4201-00 Longshoring and stevedoring

Applies to establishments engaged in longshoring (stevedoring) operations which involve the transfer, loading, and unloading of ships' cargo and storage of such on docks or in nearby warehouses. This classification includes stevedoring by hand or hand truck and containerized stevedoring which involves the use of a cross deck crane for lifting the trailer body container onto or off of the ships deck or hold. This classification also includes wharf and pier operations, coal dock operations, cargo checkers, tallymen and the repackaging or mending of damaged containers in connection with stevedoring activities.

This classification excludes stevedores employed directly by a port district who are reported separately in classification 4201-02.

Special note: Stevedoring activities are almost always covered by the Longshore Harbor Workers Compensation Act (LHWCA) except when conducted by a port district or other political subdivision.

4201-02 Port districts

Applies to the operation of port districts by a municipality. Port districts have separate taxing authority and although they may receive tax dollars from levies most of their operating costs are funded through rental and use fees on the property and facilities they operate. Port districts are authorized by state law for the purpose of acquiring, developing, maintaining and operating various transportation-related properties and facilities. In addition to marine and airports, the district may also develop and maintain facilities used for the transfer, handling, storage and terminal operations of commercial enterprises. This classification includes sales person-

nel and any stevedoring operations conducted by port district employees.

This classification excludes clerical office employees of a county who are to be reported separately in classification 5306 and stevedoring operations not conducted by port district employees which are to be reported separately in classification 4201-00.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-630 Classification 4301.

~~((Glue manufacturing~~

~~Lard making or refining~~

~~Meat products manufacturing, including canning or dehydrating~~

~~Packing house including butchering and handling livestock~~

~~Peat moss shredding and baling~~

~~Rendering works, N.O.C.~~

~~Sausage casings, wholesale dealer~~

~~Sausage manufacturing~~

~~Slaughter houses~~

~~Tallow making~~

~~Tanneries, fur manufacturing-))~~

4301-05 Glue, lard, or tallow: Manufacturing

Applies to establishments engaged in the manufacturing of products from animal substances such as glue, lard and tallow. Glue manufacturing begins by boiling animal substances, including skins and hoofs, in water until the materials are diluted and melted. The material dries as a residue and forms as a hard pure protein gelatin. Incidental operations include bone crushing, grinding and bagging of bone meal, the filling of solidified grease into drums from the oil settling tanks and the pressing, drying, pulverizing and bagging of tannage for fertilizer manufacturers. The traditional "hot" animal glue which is produced in flake form, requires a heated glue pot to keep it at a usable consistency. More modern forms are ready to use liquids. Glues come in three general forms: Ready-to-use, water mixed form, and waterproof types that are often two-part and must be sold in two separate container units. These come with directions to mix to specified proportions just before use. Ready-to-use types retail in bottles, cans and tubes. Tools and equipment used include, but are not limited to, boiling pots, scrapers and razors. This classification includes making or refining lard, which is the white solid or semisolid rendered fat from a hog, and tallow making. This process includes taking the hard fat from parts of the bodies of cattle, sheep or horses, separating it by melting from the fibrous and membranous matter and mixing the whitish solids for use in making candles, leather dressing, soap and lubricants.

This classification excludes establishments that manufacture synthetic glues such as acrylic base, contact cement, polyester, latex combination, epoxy sticks, polyethylene, polyvinyl, or cellulose nitrate or rubber base which are to be reported separately in classification 3701.

4301-10 Sausage: Manufacturing

Applies to establishments engaged in manufacturing sausage. This process includes grinding, mixing, and blend-

ing cuts of meat with seasonings, spices, and fillers using grinders, mixers, pots, cooking tanks and meat cutting instruments. The mixture is stuffed into synthetic or natural casings or packed into forms. The product is often cooked in pressurized cooking tanks. The sausage is then cured by either pumping or injecting a curing solution into the meat or dry rubbing a curing substance into the meat and immersing the meat in a brine solution. Curing solutions usually contain one or more chemicals, such as sodium or potassium nitrate, ascorbate, or erythorbate, and water. The meats are then allowed to cure for up to 40 days. Curing may be followed by a period of several hours to several days in a temperature controlled smokehouse. The final product may be packaged, canned, placed in jars, or frozen.

This classification excludes dealers of natural sausage casings which are to be reported separately in classification 4301-19; meat products manufacturing which is to be reported separately in classification 4301-12; retail meat and poultry dealers which are to be reported separately in classification 3303; and the handling of livestock which is to be reported separately in the applicable classification.

4301-11 Packing house

Applies to establishments engaged in packing house operations which include the handling and slaughtering of livestock and the preparation of fresh meat and meat products. Animals are moved through a system of chutes to a conveyor system which takes them through a stunning machine and then into the slaughtering area. Work is performed with the use of hoists, knives, scissors, razors, scrapers, meat chippers, cleavers and hydraulic dropper/spreaders. After slaughtering, the blood is drained, collected and stored. The carcasses are then dipped into a scald tank and conveyed to dehairer machines and the hides are removed. After carcasses have been inspected and weighed, they are placed in blast freezers for several hours and then moved to a cooler. Carcasses are sawed or cut into portions and specific cuts of meat including those that will be used in other products such as cold cuts, sausages, and hot dogs. The products are then placed in cardboard boxes and loaded onto pallets. This classification includes incidental rendering, lard refining, butter substitutes manufacturing, washing of casings, sausage manufacturing, salting of hides, cooking of offal (waste), processing of the viscera manually or by machine, and fertilizer manufacturing when done by employees of an employer subject to this classification. Some of the prepared meats are packed in cans, bottles, or jars, sealed and cooked in vats. Meat packing and processing operations may be consolidated or may be in different locations.

This classification excludes establishments primarily engaged in sausage manufacturing which are to be reported separately in classification 4301-10; dealers of natural sausage casings which are to be reported separately in classification 4301-19; meat products manufacturing which is to be reported separately in classification 4301-12; slaughterhouse only operations which are to be reported separately in classification 4301-22; custom meat cutting which is to be reported separately in classification 4302; retail meat and poultry dealers which are to be reported separately in classification 3303;

and wholesale meat and poultry processors/dealers which are to be reported separately in classification 3304.

4301-12 Meat products: Manufacturing

Applies to establishments engaged in meat products manufacturing, including canning or dehydrating. Products include, but are not limited to, frankfurters, bologna, head cheese and meat loaf. No handling or slaughtering of live-stock is performed by employers subject to this classification. Meats are received in halves, quarters or individual fresh cuts. Cuts of meat are washed, soaked in brine, smoked, pickled, corned, and/or otherwise cooked. Meat products are bottled in jars, bottles, or cans and sealed. Meat trimmings may be chopped, ground, mixed, smoked, boiled, or stuffed in sausage casings. Machinery and equipment includes, but is not limited to, mixing, cutting, and bottling equipment or tools.

This classification excludes establishments primarily engaged in sausage manufacturing which are to be reported separately in classification 4301-10; dealers of natural sausage casings which are to be reported separately in classification 4301-19; glue, tallow or lard manufacturing which is to be reported separately in classification 4301-05; packing house operations which are to be reported separately in classification 4301-11; slaughterhouse operations which are to be reported separately in classification 4301-22; custom meat cutting which is to be reported separately in classification 4302; the retail sale of meat and poultry which is to be reported separately in classification 3303; and wholesale meat dealers and wholesale poultry processors/dealers which are to be reported separately in classification 3304.

4301-13 Peat moss: Shredding and baling

Applies to establishments engaged in the shredding and baling of peat moss. This includes the cleaning, sorting and packaging of peat moss to be used as mulch, plant food (fertilizer), soil amendment, fuel or decorative uses such as in floral arrangements.

This classification excludes establishments engaged in the digging or stripping of peat from the surface of bogs with use of mechanical equipment which are to be reported separately in classification 0112 and the picking of moss by hand in a forest which is to be reported separately in classification 4802.

4301-17 Tanneries, fur manufacturing

Applies to establishments engaged in tannery operations which involve tanning and dressing raw hides for sale to dealers or manufacturers of leather or fur products. (Taxidermists often send hides to a tannery rather than treating them at their own shops.) Hides are received from outside sources, washed in caustic soda, borax and soda to clean, soften and preserve them. Excess flesh and tissue is removed from hides by fleshing machines which resemble a band saw mounted on a table. Any additional fleshing is done by scraping with a hand knife. Hides are then softened by agitating in a lime solution to remove all or part of the hair or fur, softened by agitating paddles using a variety of chemicals mixed with cornmeal and treated with a solution of sulfuric acid. Tanning is then done in revolving drums containing a mixture of water, salt, sodium bicarbonate and chromium sulfate. Dry-

ing may be done using a gas fired oven depending on the type of hide. Shredded hide may be baled and sold to glue makers. Tanned hides are split, dyed and finished. Tears in the hide are hand sewn.

This classification excludes hide or leather dealers, establishments engaged in hide pelting, and taxidermists which are all to be reported separately in classification 3708.

4301-19 Sausage casing dealers

Applies to establishments engaged in the sales and distribution of natural sausage casings to others. Casings are animal intestines received from packing houses or rendering plants. Wholesale dealers wash, dry, sort and package casings for distribution.

This classification excludes establishments engaged in the manufacture of sausage which are to be reported separately in classification 4301-10.

4301-21 Rendering works, N.O.C.

Applies to establishments engaged in rendering operations not covered by another classification (N.O.C.). Rendering is the act of reducing or melting down fat by heating. The raw animal materials such as, but not limited to, discarded fat, bone trimmings, meat scraps, blood, grease and feathers are collected from farms, stockyards, slaughterhouses, butcher shops, supermarkets, restaurants, meat and poultry stores, ranches, feed lots or animal shelters and brought to the rendering plant. The hides are removed and stored for shipment to hide dealers and tanneries. Carcasses are cut into workable sizes and placed into tanks. Steam passes directly into the materials being cooked. The grease is drawn off and meat and bones drop into a slush box. The slush is then pressed to remove more water and grease before going to steam pressure dryers. In some plants this is all performed with one piece of equipment. Tools and equipment may also include crushers, hashers, grinders, hoggers, prebreakers, blow tanks, conveyors, bucket elevators, pumps, steam-heater batch corkers, dryers, screw presses and waste water treatment equipment. In addition, other products such as cod liver oil may be produced, depending on the basic material being rendered. Regardless of the type of rendering system being used, all fish oils and animal grease or tallow are pumped into receiving or settling tanks. Barrels, drums or tank cars are filled for shipment to manufacturers of assorted products such as soap, and fatty acid products such as cosmetics, lubricants, paints and plastics. Edible tallow is used in margarine and other foods as regulated by the USDA. This classification includes the crushing, grinding, pressing, drying, pulverizing, and bagging of dried slush or tankage to produce fish or bonemeal, and feed concentrates for livestock and poultry and fertilizer.

This classification excludes establishments engaged as packing houses which are to be reported separately in classification 4301-11 and establishments engaged as slaughterhouses which are to be reported separately in classification 4301-22.

4301-22 Slaughterhouses

Applies to establishments engaged in the slaughter of animals and the initial processing of meat. This includes purchasing livestock from individuals or feedlots, handling the

livestock, maintaining pens, and butchering. The process requires the preparation of the animal carcass, washing of casings and the salting of hides or cooking of offal (waste). Tools and equipment used include hydraulic dropper/spreaders, stunning machines, hoists, knives, scissors, razors, scrapers, meat chippers and cleavers. The meat is then sold by hanging weight and distributed to buyers using box freezer or container trucks. This classification excludes establishments engaged in packing house operations which are to be reported separately in classification 4301-11; establishments engaged in manufacturing meat products which are to be reported separately in classification 4301-12; custom meat cutting which is to be reported separately in classification 4302; retail meat and poultry dealers which are to be reported separately in classification 3303; wholesale meat dealers and wholesale poultry processors/dealers which are to be reported separately in classification 3304.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-631 Classification 4302.

~~((Custom meat cutting facilities engaged in cutting uninspected or combined uninspected and inspected meats including farm kill operations. For purposes of this rule the terms "uninspected and inspected meats" shall be given the meanings as contained in chapter 16.49 RCW.))~~

4302-14 Custom meat cutting

Applies to establishments engaged in operating custom meat cutting shops. This classification primarily caters to customers who bring in an animal carcass (usually from a farm or hunt) for processing. Customers generally fill out a cut and wrap list which indicates how they want the meat cut such as steaks, flank, roasts, ribs, fillets, or hamburger, and how they want the product wrapped such as 3 steaks to a package, 5 pound roasts, 2 pound packages of hamburger, etc. Once the order has been filled to a customer's specifications, meat is stored in a freezer locker until the customer picks up the product. Custom meat cutting shops may also smoke meats and offer custom cut inspected meats (meaning inspected by USDA officials) for sale as locker packages or by the pound. It is also common for these establishments to sell related grocery items such as butter, eggs or milk. Tools and equipment include, but are not limited to, knives, razors, meat chippers, cleavers and hand carts.

This classification excludes establishments primarily engaged in custom meat cutting including farm kill operations which are to be reported separately in classification 4302-15; establishments engaged in farm kill operations only which are to be reported separately in classification 4302-16; packing house operations and slaughterhouse operations which are to be reported separately in classification 4301; establishments engaged in the retail sale of meat and poultry dealers which are to be reported separately in classification 3303; and wholesale meat dealers which are to be reported separately in classification 3304.

4302-15 Custom meat cutting and farm kill

Applies to establishments engaged in operating custom meat cutting shops which also provide farm kill operations away from the custom meat shop. This classification primarily caters to customers who bring in an animal carcass (usually from a farm or hunted) for processing. Customers generally fill out a cut and wrap list which indicates how they want the meat cut such as steaks, flank, roasts, ribs, fillets, hamburger, etc., and how they want the product wrapped such as 3 steaks to a package, 5 pound roasts, and 2 pound packages of hamburger. Once the order has been filled to a customer's specifications, meat is stored in a refrigerated locker until the customer picks up the product. Custom meat cutting shops may also smoke meats and offer custom cut inspected meats (meaning inspected by USDA officials) for sale as locker packages or by the pound. It is also common for these establishments to sell related grocery items such as butter, eggs or milk. Tools and equipment include, but are not limited to, knives, razors, meat chippers, cleavers and hand carts. Farm kill operations are usually performed with the use of a mobile kill truck. The animal is killed, placed on a hook hoist attached to the mobile unit, skinned, and dressed. The meat is then processed, according to the customer's order, usually at the shop.

This classification excludes establishments engaged in custom meat cutting-in shop only (no farm kill) which are to be reported separately in classification 4302-14 and farm kill only operations (mobile butchering) which are to be reported separately in classification 4302-16.

4302-16 Farm kill

Applies to establishments engaged exclusively in mobile butchering or farm kill operations which are usually performed with the use of a mobile kill truck. The animal is killed, placed on a hook hoist attached to the mobile unit, skinned, and dressed. Establishments in this classification are engaged in farm kill operations only; they are not engaged in the further processing of meat or meat cutting.

This classification excludes establishments engaged in operating custom meat cutting shops only (no farm kill) which are to be reported separately in classification 4302-14 and custom meat cutting shop including farm kill which are to be reported separately in classification 4302-15.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-633 Classification 4304.

~~((Feed lots
Stock yards, no slaughtering
Livestock auction and sales yards
Livestock buyers.))~~

4304-00 Feedlots or stockyards

Applies to establishments engaged in operating feedlots or stockyards. Feedlots are large, enclosed yards usually with pens or stables where livestock, such as cattle, horses, sheep or pigs, are temporarily held for the sole purpose of supplying with feed and nourishment. Feed (such as corn or hay) is brought in bulk. Feed may be mixed in choppers and

blown into feeder troughs. The livestock are raised until they reach certain weights, then sold to packing houses or slaughterhouses. Stockyards are holding areas (large, enclosed yards) where livestock are kept until they are sent for slaughter, sold or dispersed elsewhere.

This classification excludes packing houses or slaughterhouses which are to be reported separately in classification 4301 and livestock auction and sales yards or livestock buyers houses which are to be reported separately in classification 4304-02.

4304-02 Livestock auction and sales yards; livestock buyers

Applies to establishments engaged in operating livestock auction and sales yards and to livestock buyers. Operation of an auction and sales yard involves the exhibition and sale of cattle, horses, mules, sheep, hogs and goats. The premises usually consists of an arena, a grandstand for customers (both buyers and sellers), and outside pens or stalls for livestock. The livestock are usually dropped off by customers (farmers, ranchers, etc.), are tagged, recorded, checked by brand inspectors and veterinarians, and inspected by employees of the yard. If the animals are left prior to the day of the sale, the employees will feed the livestock and maintain the pens. When the auction begins, yard employees bring the livestock to the arena, parade them around for show, then take them back to the pens to be weighed. A recordkeeper usually assists the auctioneer during this activity. Recordkeepers engaged directly in the business of auctioning are subject to the auction classification. Livestock buyers view the livestock from an overhead viewing area or by walking through the pen area.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-634 Classification 4305.

~~((Garbage works, landfill, reduction or incineration operations—including cashiers collecting fees from customers and incidental recycle operation conducted in connection with a landfill or garbage works operation~~

~~Hazardous waste and toxic material processing or handling, N.O.C.~~

~~Solid waste, refuse or ashes collecting—including curbside recycle services~~

~~Tire dumps or collection centers.))~~

4305-06 Garbage works or landfill: Reduction or incineration

Applies to establishments engaged in the disposal of refuse by processing or destruction, or in the operation of incinerators, landfills or other sites for disposal of such materials. Sanitary landfilling involves spreading typical household waste, in thin layers, compacting them to the smallest practical volume, and covering them with soil each working day in a manner that minimizes environmental impact. Sanitary landfills must have permits issued by a state regulatory program. Also included in this classification are solid waste landfills which are designed to accept construction debris such as plasterboard, cement, dirt, wood, and brush. Compactors may be used to compact the trash before it is dis-

carded in the landfill. Incinerator operations reduce the volume of refuse with the remaining material and ashes being discarded in a landfill. Front end loaders are frequently used to feed the refuse into the incinerator. This classification includes cashiers collecting fees from customers, incidental recycling or sorting operations conducted in connection with a landfill or garbage works operation by employees of an employer subject to this classification, and establishments that only sort refuse. (Refuse sorting centers are distinguished from "buy back centers" in that "buy back centers" collect recyclable materials which they sell to others while refuse sorting centers collect and dispose of materials.)

This classification excludes establishments engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 4305-18; cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 0803; counties and taxing districts engaged in operating garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 1501; establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20; establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and buy back (recycle) center operations that include the collecting, buying from customers, sorting and the baling and sales of materials which are to be reported separately in classification 2102.

4305-18 Solid waste, refuse or ashes collecting

Applies to establishments engaged in collecting and removing waste from private homes, commercial establishments, industrial facilities, and other sites. Refuse may be picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside garbage or transport metal dumpsters for commercial businesses. This classification also includes the curbside collection of recyclable material when performed by employees of an employer subject to this classification. Garbage collection companies have contracts to dump refuse at landfills or local transfer stations where refuse is compacted and later transferred to a landfill. Independent owners may also contract to run the services for a county or city. This classification also includes establishments engaged in mobile paper shredding services. A truck, similar to a small moving van, is outfitted with a paper shredder. Empty bins or cans are left at establishments such as banks and law offices which need to have documents shredded, the filled containers are picked up either on a regular basis or on call, and the paper shredded on-site. The shredded paper is delivered to recyclers or other businesses who use shredded paper.

This classification excludes establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06; counties or taxing districts engaged in garbage works, landfill, reduction or incineration operations which are to be

reported separately in classification 1501; cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycling services which are to be reported separately in classification 0803; establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20; establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and recycle ("buy-back") center operations that include the collecting, buying from customers, sorting, and the baling of materials which are to be reported separately in classification 2102.

4305-20 Hazardous waste and toxic material processing or handling, N.O.C.

Applies to establishments engaged in the processing or handling of hazardous/toxic materials not covered by another classification (N.O.C.), including the processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials. This classification is distinguished from classification 3701-27, in that 4305-20 applies to the processing or cleanup of hazardous/toxic materials while 3701-27 includes the identifying and repackaging for disposal of such materials as drugs, pesticides, chemicals, and toners. Hazardous waste can be defined as any material that contains hazardous elements in amounts high enough to pose a significant threat to human health and the environment and therefore should be isolated. Hazardous characteristics include the ability to bioconcentrate, ignite, corrode, react with water or other materials, or show toxicity such as toxic metals including lead, cadmium and mercury; organic solvents such as benzene and trichloroethylene; and toxic materials such as asbestos.

This classification excludes establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06; establishments engaged in solid waste and refuse or ashes collecting, including curbside recycle services and mobile paper shredding operations, which are to be reported separately in classification 4305-18; establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; soil remediation, including oil spill cleanup on land, which is to be reported separately in classification 0101; asbestos abatement, all operations, which is to be reported separately in classification 0512; processing of waste oils, solvents, antifreeze, paints, and other hazardous materials, which is to be reported separately in classification 3407; and hazardous/toxic material repackaging for disposal, including drugs, pesticides, chemicals, and toners, which is to be reported separately in classification 3701.

4305-21 Tire dumps or collection centers

Applies to establishments engaged in operating tire dumps or collection centers. The primary source of used vehicle tires are tire retailers who remove the tires from their customers' vehicles when replacement tires are sold. Occa-

sionally community or charitable groups will hold a fund raising event where the public can drop off their used tires for a fee. Operations include, but are not limited to, picking up and hauling the used tires to a location where the tires can be stored or manually sorted into those with enough tread to be used on the highways; those casings suitable for retreading (either of which have a resale value); and those with no resale value which are hauled to an appropriate disposal site. This classification includes drivers as well as workers involved in the sorting operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-635 Classification 4401.

((Cold storage plants, lockers operation:))

4401-00 Cold storage lockers

Applies to establishments that rent cold storage lockers to the public. These establishments do not own equity in the merchandise that is stored. Other than being cold storage facilities they are similar to mini-warehouse storage operations. Typically these operations will be a part of a retail or wholesale food or beverage establishment such as meat markets or wine stores. Typical activities contemplated by this classification include maintenance and security of the facility.

This classification excludes establishments engaged in fruit/vegetable freezer operations which are to be reported separately in classification 3902; establishments engaged in cold storage warehouse operations which are to be reported separately in classification 4404; general merchandise warehouses (not cold storage) which are to be reported separately in classification 2102; mini-storage warehouses which are to be reported separately in classification 4910; and field bonded warehouses which are to be reported in classification 2008.

Special note: The distinction between this classification (4401) and cold storage warehouse operations (4404) is that classification 4404 contemplates a warehouse type facility which stores general merchandise of commercial enterprises such as manufacturers and wholesalers as opposed to classification 4401 which rents lockers out to individuals for storage of personal items.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-63501 Classification 4402.

((Ice manufacturing, artificial
ice harvesting
ice dealers:))

4402-00 Ice: Manufacturing or harvesting

Applies to establishments engaged in the manufacture of ice or the harvesting of naturally occurring ice from frozen bodies of water such as lakes or ponds. Ice is made by treating, forming, and freezing water in refrigeration compressor systems. The ice blocks may be scored, cut or sawed, then left in blocks or crushed and bagged. Refrigeration systems

are generally freezer coils or pipes running through or around tanks, or refrigerated vaults. Other equipment includes, but is not limited to, tanks, tin molds of various pound sizes or shapes, filtering systems, ice cube making systems which consist of water tanks, tubing and cutting blades, conveyors, incline screws, holding bins, bagging machines, winches, and forklifts. Ice harvesting is the cutting of natural ice from lakes, ponds, or other bodies of water that have frozen over to a suitable thickness and storing it in refrigerated warehouses. Ice manufacturers and harvesters either deliver their ice directly to their customers or sell it to ice dealers.

This classification excludes ice dealers who are to be reported separately in classification 4402-02 and manufacturers of "dry ice" who are to be reported separately in classification 3701.

4402-02 Ice dealers

Applies to establishments engaged as dealers of ice manufactured or harvested by others. Ice dealers either pick up ice directly from manufacturers and deliver it, or store it in their own refrigerated warehouses or ice stations prior to delivery to their customers. Refrigerated, insulated trucks and trailers are used to deliver ice. Customers may include, but not be limited to, restaurants, lounges, service stations, grocery and convenience stores. Ice dealers may also own coin-operated dispensing machines, at various locations, which they refill.

This classification excludes establishments engaged in the manufacture of ice in refrigerated systems and the harvesting of natural ice which are to be reported separately in classification 4402-00 and establishments engaged in the manufacture of "dry ice" which are to be reported separately in classification 3701.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-636 Classification 4404.

((Storage warehouse, cold.))

4404-05 Cold storage warehouse

Applies to establishments engaged in providing a cold storage facility for general merchandise. These establishments do not own equity in the merchandise they store. The cold storage facility, which is maintained through a mechanical refrigeration process, typically stores items such as, but not limited to, food products, furs, and pharmaceuticals. Work contemplated by this classification includes maintenance and security of the facility, incidental repackaging, and loading and unloading of the warehoused items when performed by employees of an employer having operations subject to this classification.

This classification excludes establishments engaged in fruit/vegetable freezer operations which are to be reported separately in classification 3902; establishments engaged in cold storage locker operations which are to be reported separately in classification 4401; general merchandise warehouses (not cold storage) which are to be reported separately in classification 2102; mini-storage warehouses which are to be reported separately in classification 4910; and field

bonded warehouses which are to be reported separately in classification 2008.

Special note: The distinction between this classification (4404) and cold storage locker operations (4401) is that classification 4404 contemplates a warehouse type facility which stores general merchandise of commercial enterprises such as manufacturers and wholesalers as opposed to classification 4401 which rents lockers out to individuals for storing of their personal items.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-637 Classification 4501.

((Radio or television broadcasting companies—transmitter or field employees outside, N.O.C.))

4501-00 Radio or television broadcasting companies: Transmitter or field employees outside, N.O.C.

Applies to the field employees, not covered by another classification (N.O.C.), of establishments engaged in the operation of radio or television broadcasting companies. This classification is limited to outside employees engaged in technical and engineering work such as the installation/testing/repair of lines, antennas (including tower mounted), satellite dishes, and field transmitting equipment.

This classification excludes radio or television broadcasting station employees confined to the studio or office such as, but not limited to, control operators/engineers, announcers, camera operators, players, entertainers, musicians, clerical office and sales personnel, who are to be reported separately in classification 4502; establishments engaged in providing television cable service to subscribers which are to be reported separately in classification 1305; contractors engaged in underground line construction, maintenance, or repair who are to be reported separately in classification 0107; contractors engaged in overhead line construction, maintenance or repair who are to be reported separately in classification 0509; and contractors engaged in wiring within buildings and antenna hookups within buildings who are to be reported separately in classification 0601.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-638 Classification 4502.

((Radio broadcasting stations, all other employment including clerical office and sales personnel

Recording companies, studio including clerical office and sales personnel

Television broadcasting stations, all other employment including clerical office and sales personnel

Television cable companies, all other employment including clerical office and sales personnel

"All other employees" is limited to employees confined to the studio or office and includes control operators, announcers, players, entertainers or musicians.))

4502-00 Radio broadcasting stations: All other employment

Applies to establishments engaged in the operation of radio broadcasting stations. This classification is limited to those employees who are confined to the studio or office such as, but not limited to, control operators, producers, engineers, announcers, reporters, disc jockeys, players, entertainers, musicians, clerical office and sales personnel. This classification includes occasional outside exposure when broadcasting from a remote location.

This classification excludes radio broadcasting station field employees engaged in technical and engineering work such as, but not limited to, the installation/testing/repair of lines, antennas, and satellite dishes who are to be reported separately in classification 4501.

4502-01 Television broadcasting stations and video production: All other employment

Applies to establishments engaged in the operation of television broadcasting stations and the production of videos. This classification is limited to those employees who are confined to the studio or office such as, but not limited to, control operators, producers, directors, announcers, camera operators, reporters, players, entertainers, musicians, clerical office and sales personnel. This classification includes occasional outside exposure when broadcasting from a remote location.

This classification excludes television broadcasting station field employees engaged in technical and engineering work such as, but not limited to, installation/testing/repair of lines, antennas, and satellite dishes who are to be reported separately in classification 4501; studio or office employees of television cable companies who are to be reported separately in classification 4502-03; and large-scale theatrical/movie production which is to be reported separately in classification 6608.

4502-02 Recording companies, studio

Applies to establishments engaged in the operation of studio recording companies. This classification is limited to those employees who are confined to the studio or office such as, but not limited to, control operators, engineers, announcers, players, entertainers, musicians, clerical office and sales personnel. This classification includes occasional outside exposure when recording at a remote location.

4502-03 Television cable companies: Control room and clerical personnel

Applies to control room and office employees of establishments engaged in providing point-to-point cable television service to subscribers. Television cable companies receive commercially produced programming from others through satellite and antennae, which they distribute to their subscribers through the local cable lines they install and maintain. They may also become involved in producing original programming and making channels available for public access broadcasts. Work contemplated by this classification is limited to those employees who are confined to a control center, studio or office such as, but not limited to, control operators, players, announcers, entertainers, musicians, clerical office and sales personnel. This classification includes occasional outside exposure for broadcasting from a remote

location. Also included are homeowners' associations and co-ops who operate a central system for residential users.

This classification excludes television cable company field employees engaged in operation, maintenance and extension of lines and subscriber hook-ups who are to be reported separately in classification 1305 and studio or office employees of noncable television broadcasting companies who are to be reported separately in classification 4502-01.

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-640 Classification 4504.

((Theatres all types

This classification includes managers, stage hands, box office employees, parking lot attendants, ushers, motion picture operators, snack bar employees, clerical office and sales personnel but excludes actors, performers, players, musicians and/or entertainers which are to be reported separately under risk classifications 6605 (WAC 296-17-727) and 6620 (WAC 296-17-7311).))

4504-00 Theatres

Applies to establishments engaged in the operation of indoor motion picture theatres, drive-in theatres, and live production theatres. This classification includes, but is not limited to, managers, stage hands, box office employees, projectionists, ushers, snack bar employees, parking lot attendants, security guards, sound system and lighting engineers, set builders, clerical office employees, and sales personnel. This classification includes the organization and management of nontheatrical events on theatre-owned property, such as a "swap meet" on the grounds of an outdoor theatre, when done by employees of an employer having operations subject to this classification.

This classification excludes performers in live theatre such as, but not limited to, actors, entertainers, and musicians who are to be reported separately in 6605 or 6620 as applicable; nontheater employees engaged in setting up stage lighting and sound systems who are to be reported separately in classification 0601 or 0608 as applicable; and nontheater employees engaged in building and setting up props and sets who are to be reported separately in classification 0516.

Special note: Theatrical productions often involve independent contractors. The independent contractor tests found in RCW 51.08.180 and 51.08.195 should be applied when reviewing the status of individuals such as, but not limited to, the playwright, composer, set designer, costume designer, lighting and sound designers, and videographer.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-641 Classification 4601.

((Fireworks manufacturing

Powder works manufacturing

Combined chemicals and explosives manufacturing.))

4601-01 Fireworks: Manufacturing

Applies to establishments engaged in the manufacture of fireworks such as, but not limited to, flares, star shells, rock-

ets, firecrackers, and signals used to generate colored lights, smoke, and noise. Incendiary powders, metal salts, components such as metal and cardboard tubes, aluminum cylinders, parachutes, umbrellas, sheet steel carrying shells, glue and wax are received from others. The process involves mixing, repeated screening, drying, blending and aging. The chemicals mixed include an oxidizer which produces the oxygen needed to make it burn fast and hot, a fuel which combines with the oxygen and causes the burning, coloring agents which produce the color, and a binding material which binds all the ingredients together. The composition is weighed and pressed into containers such as, but not limited to, aluminum caps or cardboard shells. The pyrotechnic (or shell) pellet then passes to be assembled with the remainder of the device being manufactured where the fuses are also added. Most processes are done with hand tools such as knives, mallets, and scissors due to the dangers of operating machinery around explosives. Fireworks are classified as either Class B or Class C according to their complexity and amount of explosives; however, they all contain an oxidizer, a fuel and a binder and are extensively regulated by federal agencies.

This classification excludes establishments engaged in the manufacture of explosive powder which are to be reported separately in classification 4601-02; establishments engaged in the manufacture of combined chemicals and explosives which are to be reported separately in classification 4601-03; and the exhibition of fireworks which is to be reported separately in classification 6207.

4601-02 Explosive powder: Manufacturing

Applies to establishments engaged in the manufacture of pyrotechnic, explosive, and incendiary powders from ingredients such as, but not limited to, nitrates, electrolytic copper dust, potassium perchlorate, powdered magnesium, sulfur, charcoal and linseed oil which are received from other sources. According to product being made, specific ingredients are mixed, then ground, screened and blended into powder of varying grains. Powder is filled into kegs, tin cans, or special fiber containers.

This classification excludes establishments involved in the manufacture of fireworks which are to be reported separately in classification 4601-01; establishments involved in the manufacture of combined chemicals and explosives which are to be reported separately in classification 4601-03; establishments engaged in chemical manufacturing which are to be reported separately in classification 3701; and establishments involved in blasting operations which are to be reported separately in the applicable classification.

4601-03 Combined chemicals and explosives: Manufacturing

Applies to establishments engaged in the manufacture of combined chemical and explosive products such as, but not limited to, bullets, shotgun shells, caps, fuses, pellets, dynamite, grenades, or other munitions. Raw materials include, but are not limited to, ammonia, nitrates and other chemicals, fertilizer, powders, shell casings, projectiles, and boosters. The process includes screening, grinding, mixing, blending, loading into casings, and packaging for shipment according

to product being made. The manufacturing of the casings and loading of the explosives are included in this classification when performed by employees of an employer subject to this classification.

This classification excludes establishments engaged in the manufacture of fireworks which are to be reported separately in classification 4601-01; establishments engaged in the manufacture of explosive powder which are to be reported separately in classification 4601-02; and establishments engaged exclusively in chemical manufacturing which are to be reported separately in classification 3701.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-643 Classification 4802.

((Bulb-raising

Farms: Berries—all types

Field vegetable crops, such as bush beans, peas, sweet corn, potatoes, sugar beets, and field carrots which are mechanically harvested

Flower or vegetable seed growing including harvesting of seeds

Flowers: Field growing

Picking of forest products, N.O.C.

This classification excludes fresh fruit or vegetable packing operations which are to be reported separately in classification 2104; and fruit or vegetable cannery or freezer operations which are to be reported separately in classification 3902 unless another classification treatment is provided for by other rules.)

4802-02 Farms: Berry

Applies to establishments engaged in raising berries of all types. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, pruning canes, cutting runners, installing posts and wire supports, tying vines, machine harvesting of berries, and installing or maintaining sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes roadside fruit stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately in classification 6403 provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes fresh fruit packing operations which are to be reported separately in classification 2104; fruit cannery or freezer operations which are to be reported separately in classification 3902; winery operations which are to be reported separately in classification 3702; hand harvesting of berries which is to be reported separately in classification 4806; and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as, but not limited to, weeding, planting, irrigating, or fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4802-03 Farms: Bulb raising

Applies to establishments engaged in raising flowers and plants for bulbs. Work contemplated by this classification may take place in an open field or a greenhouse. Farming activities include, but are not limited to, preparing soil for new plants; planting, fertilizing, weeding, dead heading or cutting flowers, maintaining or installing sprinkler or irrigation systems, and machine digging and harvesting bulbs when performed by employees of an employer subject to this classification. Any subsequent grading, sorting, packing and shipping of bulbs is included within the scope of this classification as are roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes establishments engaged exclusively in the sale of fresh cut flowers and potted plants who are not involved in the cultivation of plants or flowers which are to be reported separately in classification 6404; hand picking of bulbs which is to be reported separately in classification 4806; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as, but not limited to, weeding, planting, irrigating, or fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4802-06 Picking of forest products, N.O.C.

Applies to establishments engaged exclusively in picking forest products that are not covered by another classification (N.O.C.) such as, but not limited to, holly, ferns, cones, cedar boughs, mushrooms, wild flowers, wild berries, moss,

and tree bark. Work contemplated by this classification is limited to hand picking operations and is often accomplished through the aid of hand held cutting devices such as pruning shears or saws. Properties from which products are harvested from may be owned or leased. Operations not described above are to be reported separately in the classification applicable to the work being performed.

Special note: The farm labor contractor provision, as described in the general reporting rules, is not applicable to this classification as such establishments are not engaged in a farming operation.

4802-11 Farms: Flower or vegetable seeds

Applies to establishments engaged in raising flowers, flowering plants or vegetable plants for seed. Work contemplated by this classification may take place in an open field or a greenhouse. Farming activities include, but are not limited to, preparing soil for new plants, planting, fertilizing, weeding, machine harvesting seeds, cutting fresh flowers, harvesting incidental fresh vegetables, maintaining or installing sprinkler or irrigation systems, and drying of the seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification as is the incidental sale of fresh cut flowers or vegetables from roadside stands located at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; establishments engaged exclusively in the sale of fresh cut flowers and potted plants who are not involved in the cultivation of plants or flowers which are to be reported separately in classification 6404; hand gathering of seeds where no hand held cutting device is used which is to be reported separately in classification 4806; establishments engaged exclusively in the sale of fresh vegetables but are not involved in the cultivation of plants which are to be reported separately in classification 6403; and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4802-12 Farms: Field vegetable crops - mechanically harvested

Applies to establishments engaged in raising field vegetable crops *which are mechanically harvested*. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, pruning, machine harvest of vegetables, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical crops include the following:

Beans, Green	Cucumbers	Rutabagas
Beets, Table	Parsnips	Squash
Carrots	Radishes	Tomatoes
Corn, Sweet	Rhubarb	Turnips

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported in the classification applicable to the work being performed.

Special note: This classification differs from classification 4808 "diversified field crops" in that vegetable crops grown subject to classification 4808 generally have a long growing season and are harvested upon reaching maturity at the end of the season. Vegetable crops grown in classification 4802 are generally planted so that harvesting will occur continuously over the season and in smaller quantities. Although corn is technically a grain crop, it is widely accepted as a vegetable crop when harvested for fresh market as opposed to being left in the field to dry and used as feed, flour, or cereal grain. Corn grown subject to classification 4802 is for a fresh market, cannery or frozen food while the corn grown in classification 4808 is for grain, flour and feed.

The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4802-13 Farms: Flowers - field growing Farms: Florists - cultivating or gardening

Applies to establishments engaged in raising flowers and flowering plants for sale. Work contemplated by this classification may take place in an open field or a greenhouse. Farming activities include, but are not limited to, preparing soil for new plants, planting, fertilizing, weeding, cutting fresh flowers, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of flowers is included within the scope of this classification as is the incidental collection of flower seed for use in future crops. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes establishments engaged exclusively in the sale of fresh cut flowers and potted plants who are not involved in the cultivation of plants or flowers which are to be reported separately in classification 6404 and any contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808-11 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-644 Classification 4803.

((Farms, N.O.C.

Oreyards—applies to all deciduous fruit and nut tree crops including all acreage devoted to the raising of such crops. This classification includes operations incidental to the enterprises described above including harvesting of all crops. However, ground hand picking of prunes and nuts will be reported separately in classification 4806 if the conditions stipulated in that classification are met.

This classification excludes fresh fruit packing operations which are to be reported separately in classification 2104; and fruit cannery or freezer operations or nut processing which is to be reported separately in classification 3902.))

4803-02 Farms: Orchards - fruit tree crops

Applies to establishments engaged in operating fruit orchards of all types. Work contemplated by this classification includes, but is not limited to, preparing soil for new trees, planting trees, fertilizing, spraying, fumigating, weeding, pruning, harvesting tree fruit, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes fresh fruit packing operations which are to be reported separately in classification 2104; fruit cannery or freezer operations which are to be reported separately in classification 3902; winery operations which are to be reported separately in classification 3702; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: Prune harvesting is often accomplished by a person laying a canvas cover around the base and surrounding area of the tree. The tree is then shaken by hand causing the fruit to dislodge and fall to the canvas cover where it is picked by hand. Harvesting done by this method is subject to classification 4806 provided that the conditions set forth in classification 4806 have been met. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4803-04 Farms: Orchards - nut tree crops

Applies to establishments engaged in operating nut producing orchards of all types. Work contemplated by this classification includes, but is not limited to, preparing soil for new trees, planting trees, fertilizing, spraying, fumigating, weeding, pruning, machine harvesting of nuts, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes the incidental sale of bulk or packaged nuts at roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those

activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes nut shelling and packaging operations which are to be reported separately in classification 3902; ground hand picking of nuts which is to be reported separately in classification 4806; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: Nut harvesting is often accomplished by a person laying a canvas cover around the base and surrounding area of the tree. The tree is then shaken by hand causing the nuts to dislodge and fall to the canvas cover where they are picked by hand. Harvesting done by this method is subject to classification 4806 provided that the conditions set forth in classification 4806 have been met. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4803-16 Farms, N.O.C.

Applies to establishments engaged in operating farms not covered by another classification (N.O.C.). Establishments in this classification include holly farms and the raising of sheep, goats, alpacas and llamas. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, pruning and otherwise maintaining trees, tending and feeding animals, raising crops for feed, erecting or mending fences, breeding animals, transporting animals to market, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also covers artificial insemination and veterinary care when performed by employees of an employer subject to this classification.

This classification excludes businesses primarily engaged in holly packing or wreath making who are to be reported separately in classification 6404 (florists), and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the

same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-645 Classification 4804.

~~((Egg grading, candling and packing~~

~~Farms: Apiaries~~

~~Farms: Aviaries~~

~~Farms: Egg production~~

~~Farms: Fur bearing animals such as but not limited to rabbit, mink, fox, etc.~~

~~Farms: Poultry~~

~~Farms: Worms~~

~~This classification applies to acreage devoted to the raising of poultry, rabbits and fur bearing animals:-))~~

4804-00 Farms: Poultry

Applies to establishments engaged in operating poultry farms of all types. Poultry farms covered by this classification may be engaged in breeding and raising birds for human consumption or for sale to research laboratories or egg production farms. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending, feeding and watering birds, raising crops for feed, erecting or mending fences, cages and pens, breeding birds, cleaning pens and cages, transporting animals to market, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification.

This classification excludes feed milling operations which are to be reported separately in classification 2101; the butchering and processing of poultry which is to be reported separately in classification 3304; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4804-03 Farms: Egg production

Applies to establishments engaged in operating egg production farms. Farms covered by this classification may also be engaged in raising brood stock for future egg production or sale to other farms. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending, feeding and watering birds, raising crops for feed, erecting or mending fences, cages and pens, breeding birds, cleaning pens and cages, transporting eggs to mar-

ket, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also includes any related packing or grading of eggs by farm employees, farm stand operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations may qualify to have those activities reported separately if the conditions as a multiple business is met.

This classification excludes feed milling operations which are to be reported separately in classification 2101; the butchering and processing of poultry which is to be reported separately in classification 3304; and contractors hired to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4804-05 Farms: Fur bearing animals

Applies to establishments engaged in raising fur bearing animals such as mink, fox and chinchilla for pelts (skins) or for sale. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending and breeding, feeding and killing animals, fleshing and drying skins, erecting or mending fences, erecting or maintaining kennels or cages, cleaning cages and kennels, and veterinary care when performed by employees of an employer subject to this classification.

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as feeding animals, grooming, and cleaning kennels. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4804-06 Farms: Worm

Applies to establishments engaged in raising worms. Work contemplated by this classification includes, but is not limited to, the preparation of soils and soil mixes, maintain-

ing proper soil moisture to encourage worm growth and reproduction, digging worms, sorting and packaging.

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, preparing soils, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4804-07 Farms: Apiaries (bees)

Applies to establishments engaged in raising honey bees for making honey or for sale to growers or farmers who use them as pollinators or to laboratories or research centers. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, building structures to accommodate bee hives, collecting honey from hives, and growing vegetation and plants to support the production of honey or population of bees. This classification also includes the incidental processing and packaging of honey, honey comb and bees wax and the sale of honey at roadside stands located at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations may qualify to have those activities reported separately if the conditions in the multiple enterprise section of the general reporting rules are met. The raising of insects such as crickets has also been assigned to this classification as is the collection of bees and bee hives from unrelated properties.

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as collecting hives or bees, preparing soils for crops, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4804-08 Farms: Aviaries (birds)

Applies to establishments engaged in raising all varieties of birds including game birds and exotics such as, but not limited to, emu and ostrich for sale to pet dealers, other aviaries,

retail customers, and laboratories or research centers. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending, feeding and watering, raising crops for feed or protective covering, erecting or mending fences, cages, coops and pens, breeding birds, cleaning pens, cages and coops, transporting birds to market, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also includes any store operations.

This classification excludes feed milling operations which are to be reported separately in classification 2101 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as collecting hives or bees, preparing soils for crops, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4804-09 Egg grading, candling and packing

Applies to establishments engaged in grading, candling, and packing eggs for either retail or wholesale markets. Work contemplated by this classification includes, but is not limited to, sorting, grading, washing, candling, packing eggs into cartons or crates, and transporting eggs to market. Establishments assigned to this classification are not engaged in raising poultry or operating egg production farms. This classification includes store operations located at or near the packaging facility.

This classification excludes establishments engaged in egg breaking which are to be reported separately in classification 3902.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-646 Classification 4805.

~~((Christmas tree sales from u-cut farms or retail sales lots
Farms: Aquatic plants
Farms: Shellfish—excluding mechanical harvesting which is to be reported separately in classification 4808
Farms: Sod growing
Nurseries—including incidental greenhouse operations—
This classification applies to all acreage devoted to nursery operations including tree nurseries and sod growing
Classification 4805 and classification 5004 shall not be assigned to the same risk unless the operations described~~

by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees.))

4805-00 Nurseries, N.O.C.

Applies to establishments not covered by another classification (N.O.C.) that are engaged in the propagation and/or care of trees, shrubs, plants, and flowers pending sales to others. Nurseries can be categorized into two general groups in that some nurseries are actively engaged in the propagation of trees, plants, and shrubs from seed, grafting or cuttings, while others simply buy stock from growers and resell to the public or to commercial customers. Work contemplated by this classification includes, but is not limited to, preparing soil for new trees, shrubs or plants, propagating trees, shrubs or plants, fertilizing, spraying, fumigating, watering and weeding plants, trees and shrubs, pruning trees and shrubs, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes incidental greenhouses which are typically maintained for the purpose of starting new plants, shrubs or trees and protecting plants from weather conditions. Greenhouses may also serve as holding areas for garden supplies, fertilizer, planting containers, and tools which are available for sale to the public. This classification also includes the incidental sale of bark, soils, decorative or crushed rock, and store operations. This classification does not apply to establishments engaged in propagating trees in connection with an orchard operation or Christmas tree farm which are to be reported separately in classification 4803 or classification 7307 as applicable, or to landscaping contractors who may raise plants, trees or shrubs to be used in connection with their own landscaping jobs who are to be reported separately in classification 0301 or 0308 as applicable.

This classification excludes establishments engaged in growing and harvesting flowers for sale to others which are to be reported separately in classification 4802 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-05 Nurseries: Tree

Applies to establishments engaged in the propagation and/or care of trees for sale. Nurseries can be categorized into two general groups in that some nurseries are actively engaged in the propagation of trees from seed and grafting while others simply buy stock from growers and resell to the public or commercial customers. Work contemplated by this

classification includes, but is not limited to, preparing soil for new trees, propagating trees, fertilizing, spraying, fumigating, watering, weeding, and pruning trees, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes incidental greenhouses which are typically maintained for the purpose of starting new trees and protecting them from weather conditions. Greenhouses may also serve as holding areas for garden supplies, fertilizer, planting containers, and tools which are available for sale to the public. This classification also includes the incidental sale of beauty bark, soils, decorative or crushed rock, and store operations.

This classification excludes establishments engaged in propagating trees in connection with an orchard operation or Christmas tree farm which are to be reported separately in classification 4803 or classification 7307 as applicable; landscaping contractors who may raise trees to be used in connection with their landscaping jobs who are to be reported separately in 0301 or 0308 as applicable; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-06 Farms: Sod growing

Applies to establishments engaged in raising lawn sod for sale. Work contemplated by this classification includes, but is not limited to, preparing soil for new grass, planting grass seed, fertilizing, spraying, fumigating, watering, weeding, mowing grass, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. Sod farms may sell directly to the public from the farm or through landscape dealers and contractors.

This classification excludes the installation of sod at a customer's location; landscaping contractors who may raise sod to be used in connection with their landscaping jobs; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported in separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who pro-

vide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-07 Farms: Aquatic plants

Applies to establishments engaged in the propagation of aquatic plants for sale. Work contemplated by this classification includes, but is not limited to, preparing aquatic tanks, fresh water ponds or salt water growing areas for new plants, care of aquatic growing beds including chemical treatments of beds to eliminate undesirable vegetation, and harvesting and packaging plants when performed by employees of an employer subject to this classification. Aquatic farms may sell plants directly to the public from the farm or through dealers and unrelated stores. This classification includes farm store operations.

This classification excludes establishments engaged in the harvesting, processing, or packaging of aquatic plants obtained from natural areas, where the husbandry of the resource is not an integral part of the operation, which are to be reported separately in classification 3304 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4805-08 Farms: Shellfish - hand harvesting

Applies to establishments engaged in the propagation, and hand harvesting, of shellfish for sale. Work contemplated by this classification includes, but is not limited to, preparing aquatic tanks or salt water growing areas for shellfish; care of aquatic growing beds including chemical treatments of beds to eliminate undesirable vegetation; and harvesting, shucking and packaging shellfish when performed by employees of an employer subject to this classification. Shellfish farms may sell directly to the public from a farm stand or store, located at or near the farm, or to dealers and unrelated stores.

This classification excludes establishments engaged in the harvesting, processing or packaging of shellfish obtained from natural areas where the husbandry of the resource is not an integral part of the operation which are to be reported separately in classification 3304 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: The distinction between risks assigned to this classification (4805-08) and those which are to reported separately in classification 4808 is in the harvesting process. Risks subject to classification 4805 are engaged in hand harvesting activities which includes the use of hand held tools while those assigned to classification 4808 are engaged in mechanical harvesting activities by way of dredging operations. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as seeding of larvae to mother shells and planting shells to natural waters. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4805-09 Christmas tree sales from U-cut or retail sales lots

Applies to establishments engaged in retail sales of Christmas trees. Work contemplated by this classification is limited to placing trees in stands or on racks for display purposes, showing trees to retail customers, cashiering, monitoring and directing traffic in the sales lot area, and loading trees into customer vehicles. Tree sales may be conducted at a farm location as in the case of a U-cut tree operation or at a seasonal sales lot.

This classification excludes all farming operations such as, but not limited to, preparation of soil for new trees, propagating and planting trees, fertilizing, spraying, fumigating, watering, weeding, pruning, and harvesting of trees, maintaining or installing sprinkler or irrigation systems which are to be reported separately in classification 7307; Christmas tree wholesalers and Christmas tree baling and packing operations which are to be reported separately in classification 7307; and contractors hired to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: Establishments assigned to this classification (4805-09) should report hours in this classification *only during the fourth quarter of each year* since these sales are confined to the Christmas season. The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-647 Classification 4806.

((Ground hand harvesting of berries, N.O.C. For the purposes of this rule ground hand harvesting of berries means those crops which are harvested from the ground by hand by a worker either sitting, kneeling, bending, stooping or in a similar position or in the upright position when standing on the ground with no aid of ladders, stools or other climbing devices. This classification excludes all harvesting operations that employ

or require the use of hand held cutting devices or tools or any mechanical picking or harvesting machinery including incidental pickers which may or may not follow behind such machinery and collect the harvested crops by hand:))

4806-01 Farms: Nuts, berries, prunes, or field flowers and bulbs - hand harvesting

Applies to those employees of an employer who are engaged *exclusively* in hand harvesting nuts, berries, prunes, or field flowers or bulbs. This classification is limited to the harvest of crops which are picked from trees or from the ground, by hand and by a worker either sitting, kneeling, bending, stooping, or standing on the ground. This classification excludes any operation where ladders, stools, or other climbing devices are used; all operations where harvesting is accomplished or aided with hand held cutting devices or tools, and any mechanical picking or harvesting equipment including incidental workers who may or may not follow behind such machinery and collect the harvested crops by hand; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: Refer to classification 4802 for berry or flower and bulb raising operations and to classification 4803 for orchard operations.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-649 Classification 4808.

((Alfalfa and clover seed growing
Custom farm services by contractor
Farms: Shellfish—mechanical harvesting
Field crops, N.O.C., including raising of all hay, and cereal grains
Potato sorting and storage, N.O.C.
This classification applies to all operations incidental to the enterprises described above
This classification excludes grain milling operations which are to be reported separately in classification 2101; fresh vegetable packing operations which are to be reported separately in classification 2104; and vegetable cannery or freezer operations which are to be reported separately in classification 3902.))

4808-01 Farms: Diversified field crops

Applies to establishments engaged in growing a variety of grain, vegetable, or grass crops during a single season. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classification. This classification includes roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking

lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical crops include the following:

<u>Alfalfa</u>	<u>Garlic</u>	<u>Potatoes</u>
<u>Barley</u>	<u>Grain</u>	<u>Rye</u>
<u>Beans, Dry</u>	<u>Grass Seed</u>	<u>Sugar Beets</u>
<u>Clover</u>	<u>Hay</u>	<u>Timothy</u>
<u>Corn</u>	<u>Peas, Dry</u>	<u>Wheat</u>

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: This classification differs from classification 4802 "vegetable farm operations" in that vegetable crops grown subject to classification 4808 generally have a long growing season and are harvested upon reaching maturity at the end of the season. Vegetable crops grown in classification 4802 are generally planted so that harvesting will occur continuously over the season and in smaller quantities. See classification 4802-12 for additional information. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-02 Farms: Alfalfa, clover and grass seed

Applies to establishments engaged exclusively in raising alfalfa, clover, and grass crops for seed. Work contemplated by this classification includes, but is not limited to, preparing soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general

reporting rules covering the operation of a secondary business are met.

This classification excludes establishments engaged in grading, sorting, and packaging seeds; or selling baled alfalfa or clover who are not engaged in growing operations which are to be reported separately in classification 2101; establishments engaged exclusively in grain or seed storage who are not engaged in growing operations which are to be reported separately in classification 2007; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-04 Farms: Hay

Applies to establishments engaged exclusively in raising hay or straw grass for sale, and includes the raising of such crops for seed. Work contemplated by this classification includes, but is not limited to, preparing soil for crops, planting, fertilizing, machine harvesting, maintaining or installing sprinkler or irrigation systems, and drying of seed. Any subsequent grading, sorting, packing and shipping of seeds is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes establishments engaged in grading, sorting, and packaging seeds, or selling baled hay who are not engaged in growing operations which are to be reported separately in classification 2101 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the

same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-06 Farms: Cereal grain

Applies to establishments engaged in growing cereal grain crops. Work contemplated by this classification includes, but is not limited to, preparing the soil for new crops, planting, fertilizing, weeding, harvesting, and maintaining or installing sprinkler or irrigation systems. Any subsequent grading, sorting, packing and shipping of farm products grown subject to this classification is included within the scope of this classification. Also included is the incidental sale of farm products from roadside stands or operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical cereal grain crops include the following:

<u>Barley</u>	<u>Rye</u>
<u>Corn</u>	<u>Wheat</u>

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: See classification 4802-12 for additional information relative to corn. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4808-07 Potato sorting and storage

Applies exclusively to establishments engaged in sorting and storing potatoes. Work contemplated by this classification is limited to sorting potatoes either in the field or at a storage warehouse; and packaging and storage of potatoes. For purposes of this classification, packaging is limited to putting potatoes into bags, bins, boxes, or sacks. This classification also includes potato digging and piling when performed by employees of an employer engaged in sorting and storing potatoes but who is not engaged in growing potatoes.

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; potato chip manufacturing which is to be reported separately in classification 3906; establishments engaged exclusively in the sale of fresh vegetables who are not involved in the cultivation of plants

which are to be reported separately in classification 6403; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-08 Custom hay baling

Applies exclusively to a specialist farm labor contractor engaged in mowing, turning, and baling hay owned by others. This classification also includes the incidental loading of hay onto trucks and stacking of hay in a barn or warehouse when performed by employees of a specialist farm labor contractor engaged in mowing, turning, and baling hay for others.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-10 Farms: Shellfish - mechanical harvesting

Applies to establishments engaged in the propagation of shellfish for sale and includes the subsequent harvest of shellfish by means of mechanical dredging operations. Work contemplated by this classification includes spawning of shellfish, seeding in controlled tanks, placement of shellfish into deep water growing beds, harvesting, and processing. Harvesting, processing, and packing of shellfish by a farm labor contractor is included in this classification provided that the shellfish being harvested were grown by an establishment subject to this classification. This classification includes the sale of shellfish at roadside stands operated at or near the business location and store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Businesses operating multiple retail locations may qualify to have those activities reported separately if all the conditions of the general reporting rule covering the operation of a secondary business have been met.

This classification excludes establishments engaged in the harvesting, processing or packaging of shellfish obtained from natural areas where the husbandry of the resource is not an integral part of the operation which are to be reported separately in classification 3304 and contractors hired by a shellfish grower to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The distinction between establishments assigned to classification 4808 and those which are to be reported separately in classification 4805 is in the harvesting process. Establishments subject to classification 4805 are engaged in hand harvesting activities which includes the use of hand held tools while those assigned to classification 4808 are engaged in mechanical harvesting activities by way of dredging operations. The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as seeding of larvae to mother shells and planting shells to natural waters. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in

the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to.

4808-11 Custom farm services by contractor

Applies exclusively to contractors engaged in supplying and operating agricultural machinery and equipment at their customer's locations. Work contemplated by this classification involves preparing fields for crops, planting and cultivating crops, fertilizing, and harvesting operations using machinery and equipment such as, but not limited to, tractors, plows, fertilizer spreaders, combines, reapers, potato diggers, boom loaders and pickers. Contractors subject to this classification are generally not responsible for the overall care of the crops, but are merely hired to provide specified services, which involve the use of machinery and employee equipment operators. This classification also includes seasonal agricultural produce hauling from the field to a processing or storage plant when performed by employees of an employer not engaged in the related farming operations associated with the crop being hauled.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-64901 Classification 4809.

((Greenhouses, N.O.C.

Mushroom raising and harvesting

Sprouts raising and harvesting

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; and vegetable cannery or freezer operations which are to be reported separately in classification 3902.))

4809-01 Greenhouses, N.O.C.

Applies to establishments engaged in raising plants exclusively within greenhouses not covered by another classification (N.O.C.). Such establishments may specialize in growing only indoor, outdoor, or vegetable plants, while others will grow all types. The primary distinction between classification 4809 and other classifications where similar plants are grown is the exclusive use of greenhouses for the growing operations. Establishments subject to this classification will not have outdoor growing fields. All growing areas are confined to greenhouse operations. Work contemplated by this classification includes, but is not limited to, preparation of soils, planting seeds or cuttings into pots and trays, and watering and fertilizing plants. This classification includes related sales of plants and store operations.

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor

contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4809-04 Farms: Mushrooms

Applies to establishments engaged in the raising and harvesting of mushrooms for sale. Work contemplated by this classification includes, but is not limited to, preparation and sterilization of compost material, seeding composted trays, monitoring humidity and temperature controlled growing rooms, moving trays from growing rooms, harvesting mushrooms, and grading and sorting mushrooms. This classification also includes fresh packing of mushrooms for sale to others.

This classification excludes all cannery or freezer operations which are to be reported separately in classification 3902 and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported separately in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4809-05 Farms: Sprouts

Applies to establishments engaged in the raising and harvesting of bean and alfalfa sprouts using hydroponic growing methods. Hydroponics growing is a method whereby vegetable crops are raised in trays and tanks within a temperature controlled building in a water solution containing inorganic nutrients. Work contemplated by this classification includes, but is not limited to, preparation and cleaning of tanks and trays, preparation of water solutions, planting of seed into water solution, harvesting, and packaging of crops.

This classification excludes contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors that supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm ser-

VICES" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-64902 Classification 4810.

((Farms—field vegetables and herbs, N.O.C.—including truck gardening for fresh market. This classification includes all ground preparation, growing husbandry and hand harvesting with the aid of a hand-held cutting device such as a paring or cutting knife used in the harvest of broccoli or cauliflower and by hand alone as in the case of cucumbers but excludes ground preparation, growing and harvesting of vegetable crops such as bush beans, peas, sweet corn, potatoes and field carrots which are mechanically harvested which are to be reported separately in classification 4802 "Farms: Vegetables—mechanically harvested"; fresh vegetable packing operations which are to be reported separately in classification 2104; and vegetable cannery or freezer operations which are to be reported separately in classification 3902.))

4810-00 Farms: Field vegetables and herbs, N.O.C. - hand harvesting

Applies to establishments engaged in raising vegetables and herbs which are harvested by hand for sale and which are not covered by another classification (N.O.C.). Harvesting by hand could include the use of a hand-held cutting tool. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, pruning, hand harvest of vegetables, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes the incidental sale of fresh vegetables from roadside stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately provided all the conditions of the general reporting rules covering the operation of a secondary business are met. Typical crops include the following:

<u>Asparagus</u>	<u>Carrots</u>	<u>Lettuce</u>	<u>Rutabagas</u>
<u>Beans, Green</u>	<u>Cauliflower</u>	<u>Onions, Green</u>	<u>Spinach</u>
<u>Beets, Table</u>	<u>Celery</u>	<u>Parsnips</u>	<u>Squash</u>
<u>Broccoli</u>	<u>Corn, Sweet</u>	<u>Peppers</u>	<u>Tomatoes</u>
<u>Brussels Sprouts</u>	<u>Cucumbers</u>	<u>Radishes</u>	<u>Turnips</u>
<u>Cabbage</u>	<u>Kale</u>	<u>Rhubarb</u>	

This classification excludes fresh vegetable packing operations which are to be reported separately in classification 2104; cannery or freezer operations which are to be reported separately in classification 3902; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

PERMANENT

Special notes: This classification differs from classification 4802 "field vegetable crops" in that vegetable crops grown subject to classification 4802 are machine harvested or harvested using a combination of machine and hand labor while vegetable crops covered in classification 4810 are harvested exclusively by hand. See classification 4802-12 for additional information. The term "farm labor contractor" applies to specialty contractors that supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-64903 Classification 4811.

~~((Farms: Hops— including cultivating, picking, drying and baling hops at the farm and all other incidental farm operations, but excludes hop pellet manufacturing which is to be reported separately in classification 2101 and hop extract manufacturing which is to be reported separately in classification 3701~~

~~Farms: Mint— including distillery operations when conducted in connection with a mint farm operation and when performed by employees of an employer subject to this classification.))~~

4811-00 Farms: Hops

Applies to establishments engaged in raising hops for sale. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, installing poles and wires, maintaining or installing sprinkler or irrigation systems, harvesting hops, the initial drying and baling, and all other operations incidental to the activity described above when done by employees of an employer subject to this classification. Any further processing of hops after the initial drying and baling is excluded.

This classification excludes establishments engaged in the production of hop pellets which are to be reported separately in classification 2101; establishments engaged in the manufacture of a liquid hop extract which are to be reported separately in classification 3701; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special notes: Hops is one of several ingredients used to flavor beer. Extra care should be taken when dealing with hop farms and processing plants to verify the operation and applicable classification. The term "and all other operations incidental to the activity described above" refers only to maintenance type work like mending fences, fixing or servicing kiln dryers, and working on tractors and equipment. The term "farm labor contractor" applies to specialty contractors

who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

4811-01 Farms: Mint

Applies to establishments engaged in raising mint for sale. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, maintaining or installing sprinkler or irrigation systems, harvesting mint, and mint distillation when performed by employees of an employer subject to this classification.

This classification excludes establishments engaged exclusively in the distillation of mint leaves to obtain a mint extract or mint oil who are not engaged in the raising of mint crops, which are to be reported separately in classification 3701, and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-64904 Classification 4812.

~~((Fish and shellfish hatcheries including raising, egg production, grading, harvesting and shipping~~

~~This classification excludes fish and shellfish processing which is to be reported separately in classification 3304.))~~

4812-00 Farms: Fin fish and shell fish hatcheries

Applies to establishments engaged in hatchery operations for the raising of fin or shellfish, or their eggs. Work contemplated by this classification includes, but is not limited to, spawning of larvae, growing and testing algae (food for shellfish in larvae stage), seeding of shells in tanks, loading of seeded shells for shipment or transportation to natural waters, spawning fin fish, harvesting, and management of water flow temperature and exchange rate, and laboratory work when performed by employees of an employer subject

to this classification. The term "harvest" includes the sale of seeded shells, larvae, fish eggs, and whole fish.

This classification excludes the placement of seeded shells or larvae into natural waters, harvesting of mature shellfish or the related processing and packaging of shellfish which are to be reported separately in classification 3304, 4805, or 4808 as applicable, and contractors hired by a farm operator to install, repair or build any hatchery equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: See classifications 4805 and 4808 for related information. The farm labor contractor provision is not applicable to this classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-64905 Classification 4813.

~~((Vineyards—all operations including harvesting of fruit This classification excludes fresh fruit packing operations which are to be reported separately in classification 2104; wine making which is to be reported separately in classification 3702; and fruit cannery, processing, or freezing operations which are to be reported separately in classification 3902.))~~

4813-00 Vineyards

Applies to establishments engaged in the planting, cultivating, pruning, and harvesting of grapes. Work contemplated by this classification includes, but is not limited to, preparing soil for new plants, planting, fertilizing, weeding, pruning vines, installing posts and wire supports, tying vines, machine or hand harvest of grapes, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification includes roadside fruit stands operated at or near the farm and farm store operations where a small stock of products not produced by the operation subject to this classification may also be offered for sale. Farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately in classification 6403 provided all the conditions of the general reporting rules covering the operation of a secondary business are met.

This classification excludes fresh fruit packing operations which are to be reported separately in classification 2104; fruit cannery or freezer operations and jam or syrup manufacturing which are to be reported separately in classification 3902; winery operations which are to be reported separately in classification 3702; and contractors hired by a farm operator to install, repair or build any farm equipment or structures who are to be reported separately in the classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors that supply laborers to a farm operation for specified services such as weeding, planting, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. These farm labor contractors are to be reported in the classification that applies to the farm they are contracting with. Contractors that pro-

vide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-64999 Classification 4900.

~~((Construction: Superintendent or project manager This classification applies to construction superintendents or project managers applicable to both general and specialty contractors for construction or erection projects. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally temporarily stationed at the construction site or project location and confined to a modular type of clerical office to schedule activities and arrival of supplies applicable to the job or project. Construction superintendents and project managers applicable to this classification shall have no direct control over work crews and shall not be performing construction labor at the job site or project location. An employee performing duties of this classification and some type of construction labor or control over a work crew shall not be permitted a division of work hours between this classification and a construction classification, all work hours are to be reported in the applicable construction classification.))~~

4900-00 Construction: Superintendent or project manager

Applies to those employees, of general or specialty construction contractors, whose job duties are exclusively that of construction superintendents or project managers. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally stationed at the construction site or project location and confined to a temporary type of office to schedule activities and arrival of supplies such as the delivery of iron, steel, rebar, lumber, concrete ready mix, concrete pump truck services, and cranes.

This classification excludes construction superintendents or project managers who are employed by a business that specializes in offering construction management and consulting services. These businesses do not do any of the actual construction or erection activities and are to be reported separately in classification 4901.

Special notes: This classification is applicable *only* to construction superintendents or project managers who have no direct control over work crews and do not perform construction labor at the construction site or project location. A superintendent or project manager performing duties subject to this classification who also is engaged in operating equipment, performing manual labor, or who directly supervises a

work crew at the construction site or project location is excluded from this classification. They are to be reported separately in the applicable construction or erection classification assigned to their employer without any division of hours. A division of hours is not permitted between classification 4900 and any other classification.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-650 Classification 4901.

((Consulting engineering, architectural, and land surveying services, N.O.C.

Geologists, N.O.C.

Lease buyers performing work similar to oil geologists

Oil or gas geologists or scouts.))

4901-00 Consulting engineering

Architectural services, N.O.C.

Applies to establishments engaged in providing consulting engineering services, construction management or consulting services, or architectural services not covered by another classification (N.O.C.). Engineers consult with and give technical advice to clients through the use of plans, maps, charts, specifications or other media. They may specialize in particular fields of endeavor such as aeronautical, chemical, civil, electrical, industrial, marine, mechanical or structural engineering. Engineers may research, design and develop a plan, a part, a piece of equipment, or a structure and may also build prototypes and models. Architects research, plan and design building projects for clients, applying knowledge of design, construction procedures, zoning and building codes, and building materials. They may enlist the services of engineers to provide specialized technical services or to solve specific problems. Architects may specialize in certain types of facilities such as hotels, hospitals, or industrial plants, or in the restoration of older structures, or may confine their practice to residential work. They also may be involved in the design of transportation facilities, public assembly complexes, marine or public utility projects. This classification includes employees of engineering or architectural services who perform surveys or who act as project managers or project superintendents for their employer's engineering or architectural projects. Businesses which specialize in offering construction management and/or consulting services, which are not involved in designing, engineering, or any of the actual construction activities, are also included in this classification.

This classification excludes draftsmen whose duties are limited to office work, who may be reported separately in classification 4904 provided the conditions set forth in the standard exception rule have been met, and the engineering and architectural staff of construction companies or other types of businesses who are to be reported in the classifications applicable for those businesses.

Special note: When assigning classifications 4901 or 1007, care must be taken to look beyond the words "consulting" or "engineering" to determine the actual nature of the activities being performed. Classifications 4901 and 1007 shall not be assigned to the same business unless all the con-

ditions of the general reporting rules covering the operation of a secondary business have been met.

4901-16 Geologists, N.O.C.

Applies to establishments engaged in providing geological services, including oil or gas geologists or scouts and lease buyers performing work similar to oil geologists, not covered by another classification. Geologists study the composition, structure, and history of the earth's crust to identify and determine the sequence of processes affecting the development of the earth. By applying knowledge of chemistry, physics, biology and mathematics to explain these phenomena, they help locate mineral, geothermal, petroleum, and underground water resources. They will consult with and give technical advice to clients based on their findings. Projects may include, but are not limited to, landslide analysis and correction, rock slope design, rock fall mitigation and control, and soil cut and embankment design. They also prepare geologic reports and maps, interpret research data, recommend further study or action, and may participate in environmental studies. Duties of oil or gas geologists or scouts and lease buyers include, but are not limited to, reviewing court records, interviewing lease holders, securing data for prospective oil or gas producing land, as well as procuring core or shale samples at drilling locations for analyzing. The oil or gas geologist also may explore and chart stratigraphic arrangement and structure of the earth to locate gas and oil deposits, evaluate results of geophysical prospecting, prepare maps and diagrams indicating probable deposits of gas and oil, as well as estimate oil reserves in proven or prospective fields and visit drilling sites. Scouts keep the client company informed of events in their region, attend local meetings, and report the findings on work.

This classification excludes geophysical exploration which is to be reported separately in classification 1007; seismic geophysical exploration which is to be reported separately in classification 0103; and geologists or scouts of a drilling or construction contractor who are to be reported separately in the classification applicable to the employer's business.

Special note: When assigning classifications 4901-16, geologists, 1007-08, geophysical exploration, and 0103, seismic geophysical exploration, care must be taken to look beyond the word "geologist" to determine the actual nature of the activities being performed.

4901-17 Land surveying services, N.O.C.

Applies to establishments engaged in providing professional land surveying services not covered by another classification (N.O.C.). Land surveyors measure the size and physical characteristics of earth surfaces to determine precise location and measurements of points, elevations, lines, areas, contours and boundaries for private, public, and commercial applications. Some firms also perform marine, mine, forestry, geological and photogrammetric surveys which utilize sophisticated instruments and techniques, including aerial photography. The field data collected by surveyors may be used to produce maps and architectural and civil engineering plans and drawings. Maps and drawings may be produced by drafters who plot out the field data by hand or by using computer-aided drafting programs.

This classification excludes draftsmen whose duties are limited to office work, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met, and surveyors employed by construction companies or other types of businesses who are to be reported separately in the applicable classifications for those businesses.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-651 Classification 4902.

~~((State government—this classification is limited to clerical office, sales personnel and administrative employees that have no field exposure, law enforcement powers, or provide patient health care. For the purposes of this rule field exposure is defined as anything other than the normal travel to a work assignment such as a field auditor or social worker would encounter~~

~~This classification includes all departments, agencies, boards, commissions, committees and elected officials of either the executive, legislative or judicial branches of state government. See classifications 4906, 5307, 7103 and 7201 for other state government operations.))~~

4902-00 State government - administrative, clerical, and sales personnel

Applies to those state employees who are assigned to work in an administrative capacity, a clerical office, or in public relations or sales work. For the purposes of this classification, field exposure is to the normal travel to a work assignment such as a field auditor or social worker would encounter. This classification includes all departments, agencies, boards, commissions, committees and elected officials of all branches of state government.

This classification excludes employees with field exposure other than that described above, employees with law enforcement powers, and employees who provide patient health care.

See classifications 4906, 5307, 7103, and 7201 for other state government activities.

Special note: For purposes of this classification the terms "clerical office" and "sales personnel" shall have the same meaning as defined in the standard exception provision of the general reporting rule.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-652 Classification 4903.

~~((Marine appraising
Boiler inspecting, N.O.C.
Elevator inspecting, no service
Inspection for insurance or valuation.))~~

4903-06 Marine appraising

Applies to establishments engaged in providing marine appraisal services. Type of property appraised includes, but is not limited to, boats, yachts, marinas, wharves, and dry-docks. This service may be provided to a prospective buyer

or to insurance companies for determining the value of a piece of property or for evaluating damage.

This classification excludes maritime appraisers who provide their service exclusively to insurance companies who are to be reported separately in classification 4903-09, and nonmaritime building appraisers who are to be reported separately in the classification applicable to the employer's business.

4903-07 Boiler inspecting, N.O.C.

Applies to establishments engaged in providing boiler inspection services not covered by another classification (N.O.C.). These establishments inspect pressurized vessels, including air tanks and liquefied gas tanks, in addition to boilers. The inspections involve determining if a vessel conforms to safety standards in regard to their design, fabrication, installation, repair and operation. The inspections may take place at a manufacturer's plant or where the vessel has been installed. These inspections will generally be conducted at the request of a manufacturer or an insurance company. Activities of the inspectors include, but are not limited to, inspecting the safety devices and welding, performing tests to verify the condition, calculating allowable limits of pressure, recommending changes to correct unsafe conditions, and investigating accidents involving pressurized vessels.

This classification excludes boiler inspectors employed by a state agency or municipality who are to be reported separately in the appropriate state agency or municipality classification; boiler manufacturing, repair or installation which is to be reported separately in the appropriate manufacturing, repair or installation classification; inspectors of the manufacturing company who are to be reported separately in the classification applicable to the employer's business; and establishments who provide inspections exclusively for insurance companies who are to be reported separately in classification 4903-09.

4903-08 Elevator inspecting

Applies to establishments engaged in providing elevator inspection services. Types of devices inspected include, but are not limited to, elevators, escalators, ski lifts, amusement rides and moving sidewalks. The inspections involve determining if the device conforms to safety standards in connection with their design, fabrication, installation, repair and operation. The inspections may take place at the manufacturing plant or where the conveyance device has been installed. These inspections are usually conducted at the request of a manufacturer or an insurance company. Activities of the inspectors include, but are not limited to, reviewing the design, inspecting the mechanical and electrical features, inspecting the cables and guide rails, conducting time tests for speed, computing allowable load, observing running and drop tests to determine if brakes and safety devices are working properly, recommending changes to correct unsafe conditions, and investigating accidents involving conveyance devices.

This classification excludes elevator inspectors employed by a state agency or municipality who are to be reported separately in the appropriate state agency or municipality classification; repair or service to the elevator or conveyance device which is to be reported separately in the

appropriate repair classification assigned to the type of conveyance device; inspectors employed by the manufacturer who are to be reported in the appropriate manufacturing classification; and establishments who provide inspection exclusively for insurance companies who are to be reported separately in classification 4903-09.

4903-09 Inspection for insurance or valuation

Applies to establishments engaged in providing inspection and valuation services exclusively for insurance companies. These establishments inspect damaged goods or property for loss valuation or to determine the value of an article or property the insurance company is underwriting. The property inspected includes, but is not limited to, personal property, real estate, and manufactured goods.

This classification excludes inspectors employed by a state agency or municipality who are to be reported separately in the appropriate state agency or municipality classification and boiler, elevator, or building inspectors or maritime appraisers who do not provide the service to insurance companies exclusively who are to be reported separately in classifications 4903-07, 4903-08, 4903-10 or 4903-06 as applicable and employees of insurance companies who are to be reported separately in the applicable classifications.

4903-10 Inspection of buildings

Applies to establishments engaged in providing building inspection services. These establishments inspect all types of buildings including new or existing residential, commercial, industrial, multifamily, and temporary structures. The inspections may be provided for prospective buyers to determine the condition of the building, for contractors to assist in interpreting legal requirements and recommending procedures for compliance, or for insurance companies in assessing damages. Activities of the inspectors include, but are not limited to, inspecting all components of a building for structural soundness, dry rot, pest problems, energy efficiency, and compliance with grading, zoning and safety laws.

This classification excludes building inspectors employed by a state agency or municipality who are to be reported separately in the appropriate state agency or municipality classification and establishments who provide inspections exclusively for insurance companies who are to be reported separately in classification 4903-09.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-653 Classification 4904.

((Clerical office, N.O.C.))

4904-00 Clerical office, N.O.C.

Applies to those employees whose job duties and work environment meet all the conditions of the general reporting rules covering clerical office standard exception employees who are not covered by another classification (N.O.C.) assigned to their employer's account. Duties of clerical office personnel contemplated by this classification are limited to answering telephones, handling correspondence, creating or maintaining financial, employment, personnel or payroll records, composing informational material on a computer,

creating or maintaining computer software, and technical drafting.

Special note: When considering this classification, care must be taken to look beyond titles of employees. Employees with occupational titles such as, but not limited to, cashiers, clerks, or ticket sellers, may or may not qualify for this classification. This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

4904-13 Clerical office: Insurance companies, agents or brokers

Applies to clerical office employees of insurance companies, including insurance agents or brokers who perform duties exclusively of clerical nature and without an interchange of labor between clerical and nonclerical duties, and that these duties be performed in an area or areas separated from the operative hazards of the business. This classification is limited to duties defined as responding to telephone inquiries, assisting walk-in customers, handling correspondence such as the preparation of insurance policies and billing, receiving and processing payments and invoices, maintaining personnel and payroll records, and performing the necessary computer work.

Special note: This is a standard exception classification and is not to be assigned unless all the conditions of the general reporting rule covering clerical office standard exception employees have been met. Care should be exercised as insurance agents, insurance brokers, or insurance solicitors defined in RCW 48.17.010, 48.17.020, and 48.17.030, may be exempt employment as defined in RCW 51.12.020(11). In some instances, an insurance company may qualify for this standard exception classification for their entire operation.

4904-17 Clerical office: Employee leasing companies

Applies to clerical office employees of employee leasing companies. This classification requires that clerical office employees perform duties exclusively of a clerical nature, without an interchange of labor between clerical and nonclerical duties, and that these duties be performed in an area or areas separated from the operative hazards of the business. This classification is limited to duties defined as responding to telephone inquiries, receptionist and administrative duties, handling correspondence such as preparing and processing billing statements and forms, maintaining personnel and payroll records, and performing the necessary computer entry work.

Special note: This is a standard exception classification and is not to be assigned unless all the conditions of the general reporting rule covering clerical office standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-654 Classification 4905.

((Hotels
Motels

This classification excludes restaurant and lounge employees which are to be reported separately in classification 3905

"restaurants, N.O.C.". Hotel and motel desk clerks with no other duties will be reported separately in classification 4904 "clerical office N.O.C.")

4905-04 Hotels or motels

Applies to establishments engaged in providing lodging and associated services to others. Accommodations included in this classification vary from a single room in a "bed & breakfast," to individual cabins, to luxury suites in a multi-story hotel. Hotel and motel operations may include a wide range of activities which are within the scope of this classification such as, but not limited to, housekeeping, laundry, bellhops, valets, shuttle service, maintenance personnel, and continental breakfast (if not in connection with a separate restaurant operation). Hotel and motel desk clerks with no other duties can be reported separately in classification 4904. Multiple classifications may be allowed for operations such as, but not limited to, shops, beauty salons, grocery stores, drug stores, newsstands, and service stations, provided no interchange of labor exists between operations. When an interchange of labor exists, the operations are to be assigned to classification 4905-04 without a division of hours.

This classification excludes restaurant and lounge employees which are to be reported separately in classification 3905 and other operations conducted by independent concessionaires which are to be reported separately in the applicable services or store classification.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-655 Classification 4906.

((Institutions of higher education including clerical office and sales personnel.))

4906-01 Institutions of higher education - public

Applies to public institutions of higher education such as universities, colleges, and junior colleges that have obtained state accreditation and are supported at least in part by public funds. Work contemplated by this classification includes, but is not limited to, administrative staff, professors/teachers, advisors, librarians, athletic coaches, medical staff at a hospital or research center run as part of the institution, restaurant/snack shop staff, campus security, janitorial/maintenance staff, clerical office and sales personnel.

This classification excludes private institutions of higher education which are to be reported separately in classification 4906-02 and secondary technical or vocational schools which are to be reported separately in classifications 6103 and 6104.

4906-02 Institutions of higher education - private

Applies to private institutions of higher education such as universities and colleges that have obtained state accreditation. These private institutions include any institution of higher education that is not supported by public funds. Work contemplated by this classification includes, but is not limited to, administrative staff, professors/teachers, advisors, librarians, athletic coaches, medical staff at a hospital or research center run as part of the institution, restaurant/snack shop staff, campus security, janitorial/maintenance staff, and clerical office.

This classification excludes public institutions of higher education which are to be reported separately in classification 4906-01 and secondary technical or vocational schools which are to be reported separately in classifications 6103 and 6104.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-656 Classification 4907.

((Inmates employed in prison industries.))

4907-00 Inmate work opportunity - state

Applies to state prisoners who are employed by the state prison in a tax reduction industry to provide goods or services only (regardless of the type) to tax-supported entities or non-profit organizations. Tax reduction industries provide basic work training and experience which qualify the inmates for better work within the prison or in the public community. Work is performed at the prison or at a separate location and the goods produced are property of the state.

This classification excludes work done by state prisoners under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.

4907-01 Inmate work opportunity - city

Applies to inmates of city jails who are employed by the city jail in a tax reduction industry to provide goods or services only (regardless of the type) to tax-supported entities or nonprofit organizations. Tax reduction industries provide basic work training and experience which qualify the inmates for better work within the jail or in the public community. Work is performed at the jail or at a separate location.

This classification excludes work done by city prisoners under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.

4907-02 Inmate work opportunity - county

Applies to inmates of county jails who are employed by the county jail in a tax reduction industry to provide goods or services only (regardless of the type) to tax-supported entities or nonprofit organizations. Tax reduction industries provide basic work training and experience which qualify the inmates for better work within the jail or in the public community. Work is performed at the jail or at a separate location.

This classification excludes work done by county prisoners under a free venture enterprise contract with a private business (profit or nonprofit) which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-657 Classification 4908.

((Inmates of adult honor camps.))

4908-00 Inmates of adult honor camps

Applies to inmates of adult honor camps who are employed by a city, town, county, or state agency. Their employment, which takes place away from the honor camp,

PERMANENT

provides basic work training and experience to qualify inmates for better work in the correctional institute or in the public community. Typical work includes, but is not limited to, constructing and maintaining forest trails, cutting fallen trees into firewood, picking up and burning fallen limbs, fighting forest fires, and planting new trees.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-658 Classification 4909.

((Inmates of juvenile forest camps:))

4909-00 Inmates of juvenile forest camps

Applies to inmates of juvenile forest camps who are employed by a city, town, county, or state agency. Their employment, which takes place away from the forest camp, provides basic work training and experience to qualify inmates for better work in the correctional institute or in the public community. Typical work includes, but is not limited to, constructing and maintaining forest trails, cutting fallen trees into firewood, picking up and burning fallen limbs, fighting forest fires, and planting new trees.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-65801 Classification 4910.

((Building or property management operations by owner or lessee—including malls, apartment/condominium complexes and mobile home parks

Chimney cleaning—residential buildings:))

4910-00 Property management services

Applies to establishments engaged in managing their own rental property or properties owned by others. Properties include, but are not limited to, privately owned or commercial buildings, malls, apartment or condominium complexes, mobile home parks, halls, and conference rooms. Typical operations contemplated by this classification include, but are not limited to, management or clerical duties, advertising, showing vacant units to prospective tenants, collecting rent, providing security, and normal maintenance and repair when conducted by employees of employers subject to this classification. Normal maintenance and repair contemplated by this classification includes replacing parts on existing fixtures or equipment, repairing existing structures, normal cleaning or janitorial activities, maintaining existing landscaping, and shoveling snow from driveways or walkways. Construction, alteration, or improvements to the properties are not considered normal maintenance and are not contemplated by this classification. Major repair work is usually performed by contractors who are not employees of the property management business. Apartment or condominium complexes and mobile home parks may have common areas such as, but not limited to, laundry facilities, community rooms, tennis courts, exercise rooms, swimming pools, saunas or hot tubs, and playgrounds or small park areas. Common areas are maintained by employees of the complex or park owner or by the property management service. Resi-

dents of mobile home parks are usually responsible for maintaining their own mobile homes and their immediate space.

This classification includes homeowners' associations where residents in a housing development pay annual fees which cover the maintenance of lawns, paths, sprinkler systems, and common areas such as pools, activity centers, and tennis courts by employees of the homeowners' association.

This classification excludes employees engaged exclusively in clerical duties who are to be reported separately in classification 4904; employees engaged exclusively in sales duties such as collecting rents, showing and advertising the facility, conducting auctions, or in a combination of clerical and sales duties who are to be reported separately in classification 6303; establishments providing janitorial services exclusively which are to be reported separately in classification 6602; contractors engaged in mobile home set up or removal who are to be reported separately in classification 0517; any new construction or alteration work performed by employees of employers subject to this classification which is to be reported separately in the applicable construction classification; establishments that contract to perform maintenance or repair, but have no responsibilities in the management of the property, which are to be reported separately in the applicable classification; and lodging or food serving operations which are to be reported separately in the applicable classification.

4910-01 Chimney cleaning - residential buildings

Applies to establishments engaged in providing chimney cleaning services to residential customers. Workers who perform chimney cleaning services are commonly referred to as "chimney sweeps" and usually work alone or as a two-person team. When working as a team, one "sweep" works inside the house and the other works on the roof. The methods of cleaning vary. To protect the floors and furniture, drop cloths are placed in front of the fireplace and taped over the opening. The vertical drop cloth may have a "boot" or slit in it which allows rods to be pushed through. Various brushes, usually wire, are attached to extension rods and worked up and down the flue to dislodge the soot and creosote. Creosote deposits may be removed also with a chimney bar, which is a pipe-like instrument with a chisel end, or by using metal scrapers. Where the chimney top is protected from the rain by a hood or cap, it may not be possible to insert the brushes into the opening; a chain or weight may be lowered and swung back and forth inside the chimney. Some sweeps have custom-made vacuum trucks with large collection chambers to collect the soot. In addition to cleaning the chimney flue and fireplace, some sweeps clean oil, gas and coal burning furnaces, repair chimney and flue linings, remove animals from chimneys, and offer other related services. Repairs included in this classification are limited to such activities as caulking around the flashing and sealing brickwork.

This classification excludes establishments engaged in industrial or commercial chimney or smokestack cleaning services which are to be reported separately in classification 0508; contractors engaged in chimney reconstruction or new construction made of masonry or brick who are to be reported separately in classification 0302; contractors engaged in the installation of sheet metal stove pipe who are to be reported

separately in classification 0307; and the installation of a new lining in the chimney which is to be reported separately in the applicable classification.

4910-02 Mini-storage warehouse

Applies to establishments engaged in operating mini-storage facilities. Mini-storage facilities are usually fenced and entry is through a locking gate through which owners and renters of units are provided access. The units range from lockers to rooms of various sizes; once the unit is rented, the tenant or owner has sole access to it. Typical operations include, but are not limited to, management or clerical duties, renting or selling storage units to others, providing security, and normal maintenance and repair when performed by employees of employers subject to this classification. Normal maintenance and repair contemplated by this classification includes replacing parts on existing fixtures or equipment, repairing existing structures, normal cleaning of public areas, controlling rodents and other pests, maintaining existing landscaping, and shoveling snow from driveways or walkways. Construction, alteration, or improvements to the properties are *not* considered normal maintenance and are *not* contemplated by this classification. Major repair work is usually performed by contractors who are not employees of the storage facilities.

This classification excludes employees engaged exclusively in clerical duties who are to be reported separately in classification 4904; employees engaged exclusively in sales duties or in a combination of clerical and sales duties who are to be reported separately in classification 6303; and new construction or alteration work which is to be reported separately in the applicable construction classification.

4910-03 Temporary signs - placement or removal

Applies to establishments engaged in placing or removing temporary yard signs such as, but not limited to, real estate signs for real estate offices or property management firms and campaign signs. The smaller signs are usually mounted on a metal rod which is pounded into the ground to a depth of about 18". A post hole digger may be used to dig holes for larger signs that require a more sturdy post.

This classification excludes all other types of sign installation, painting or repair which are to be reported separately in the applicable classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-659 Classification 5001.

~~((Firewood cutting—all woods operations
Logging, N.O.C.~~

~~Sawmill operations conducted in the woods in connection with logging operations~~

~~Shake, shingle bolt and post cutting—all woods operations~~

~~For the purposes of this rule, logging N.O.C. shall be considered the complete operation of felling, skidding, yarding, delimiting, and bucking of trees into logs or block wood and the loading of logs and block wood onto trucks or rail cars. This classification also includes the operation of aircraft and helicopters used in connection with the~~

~~removal of felled trees or block wood, and equipment maintenance not performed subject to the provisions of classification 5206-))~~

5001-03 Logging, N.O.C.

Applies to establishments engaged in various logging operations not covered by another classification (N.O.C). Typical work contemplated by this classification includes, but is not limited to, high lead or tower logging, ground logging, and team logging with horses. For purposes of this rule, logging is the complete operation of felling, skidding, yarding, delimiting, and bucking of trees into logs or block wood and loading them onto trucks or rail cars.

Definitions:

High Lead or Tower Logging - usually occurs in steep terrain where a metal tower is set-up on a hilltop with a system of heavy cables running down the hillside and fastened to a stump or tree and has other smaller cables with chokers hanging from it. A choker is wrapped around each fallen tree and pulled back to the landing site.

Helicopter logging - includes ground crews that work with the use of helicopters to hoist fallen trees or bucked log lengths to the landing sight.

Chokers - chains or cables which are attached to the fallen trees for skidding to the landing site.

Ground logging - usually occurs on relatively flat land; fallen trees are moved to a landing by a skidder, cat or shovel.

Bucking - stripping or delimiting tree of branches and cutting the tree to desired log lengths.

Skidding - process of dragging the fallen logs to the landing site.

Landing - place where the fallen logs are brought for sorting and loading onto log trucks.

Yarding - usually performed at the landing site with use of a log loader to sort the logs by species, length and diameter, prior to loading onto log trucks.

This classification excludes flight crews of helicopters used in helicopter logging which are to be reported separately in classification 6803; log hauling which is to be reported separately in classification 5003; logging road construction which is to be reported separately in classification 6902; and mechanical or mechanized logging operations which are to be reported separately in classification 5005 provided the classification has been approved by the classification services section.

5001-04 Shake, shingle bolt, and post cutting

Applies to establishments engaged in the cutting of shakes, shingle bolts (blocks), and fence posts in the woods. For the purposes of this rule, this classification includes all operations performed in the woods such as, but not limited to, the felling of trees, stripping or delimiting of branches, and all further cutting or splitting of trees/logs to produce shakes, shingle bolts or fence posts. This classification includes all transporting of shakes, shingle bolts or fence posts from the cutting site when conducted by employees of employers subject to this classification.

5001-05 Firewood cutting

Applies to establishments engaged in the cutting of firewood in the woods. For the purposes of this rule, this classi-

fication includes all operations performed in the woods such as, but not limited to, the felling of trees, stripping or delimiting of branches, and all further cutting or splitting of trees/logs to produce firewood. This classification includes all transporting of log lengths, rounds or split wood from the cutting site when conducted by employees of employers subject to this classification.

5001-06 Sawmill operations conducted in the woods in connection with logging operations

Applies to establishments operating a temporary or portable sawmill operation in the woods. This type of work is usually performed on privately owned land. A portable sawmill and saw tables, similar to those at a permanent sawmill location, are transported directly to the logging site. Log lengths are fed through a circular saw that is capable of producing various sized rough cut timber, blocks, boards and planks. This classification includes all transporting of rough cut timber, blocks, boards and planks from the cutting and/or sawing site when conducted by employees of employers subject to this classification.

This classification excludes sawmill operations which are not conducted in the woods in connection with a logging operation which is to be reported separately in the applicable sawmill classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-660 Classification 5002.

((Booming and rafting logs.))

5002-00 Booming and rafting logs

Applies to establishments engaged in booming and rafting logs on water. Booming involves making a barrier in the water usually with existing floating logs tied together with rope or chain to enclose other free floating logs. This type of barrier is referred to as a bundle. Rafting involves the use of a boom boat or tugboat to push the bundles together and tow the bundles to a particular destination. The destination may be a port where logs are loaded directly onto vessels, or to a sawmill, lumber mill or log sorting yard. This classification includes the loading of logs into or out of the water when performed by employees of the booming and rafting business.

Special note: Care should be exercised prior to assignment of this classification as the workers may be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-66001 Classification 5003.

((Log hauling by contractor
Log truck drivers, N.O.C.

See risk classification 5206 (WAC 296-17-675) for permanent yard operations.))

5003-01 Log hauling by contractor

Applies to contractors engaged in hauling logs for others from a logging side to a mill or storage yard. The loading and

unloading of the truck is included in this classification when performed by the truck driver.

This classification excludes the hauling of logs from a log storage yard to a shipping destination which is to be reported separately in classification 1102 and log hauling by employees of a logging company which is to be reported separately in classification 5003-02.

5003-02 Log truck drivers, N.O.C.

Applies to employees of a logging company who are hauling the company's own logs from the logging side to a mill or storage yard.

This classification excludes the hauling of logs from a log storage yard to a shipping destination which is to be reported separately in classification 1102 and log hauling by a log hauling contractor which is to be reported separately in classification 5003-01.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-66002 Classification 5004.

((Forest, range, or timber land labor services by landowner or contractor. This classification covers all forms of forest, range, or timber land manual labor. Such labor activities include but are not limited to tree planting, tree netting, tree shading, bud capping, chemical spraying, fertilizing, animal trapping (such as mountain beaver and gopher baiting), bear feeding, precommercial tree thinning, conifer release (chemical or manual), tree pruning, cone picking, scion collection, hydro seeding and erosion control, and wildlife habitat development. This classification includes all field crew supervisors and foremen assigned to oversee work covered by this classification including internal quality control audits irrespective of whether or not their assigned duties include manual labor.

This classification excludes forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest fire fighting, slashing, pile burning, roadside brushing, roadway dust/mud control which is to be reported separately in classification 5006 "forestry related machine work"; logging operations which are to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and technical survey work which is to be reported separately in classification 1007.))

This classification applies to establishments engaged in forestry and timberland management services. It applies to employees of contractors or of land owners. This classification includes all field crew supervisors and foremen assigned to oversee work covered by this classification including internal quality control audits regardless of whether their assigned duties include manual labor. Classification 5004, and related classification 1007 and 5006, cover various activities associated with the management of forests, range or timberland. These classifications have also been assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. The industry covered by

this series of classifications has special reporting requirements. Reforestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements. Classification 1007 applies to technical services such as identifying volume and species of trees in a section of timberland or a forest, auditing parcels planted by a tree planting contractor for quality control purposes, conducting environmental studies, testing growing techniques and similar activities. Classification 5004 covers various forms of work conducted in the forest or timberland generally associated with the overall care of these lands. Classification 5004 is used to report manual crew labor. Classification 5006 covers machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying and forest fire fighting. It will be common in the case of a forest fire to have employees reporting in both classification 5004 and 5006 for forest fire fighting since some employees will operate bulldozers, loaders and tanker trucks while others will use chain saws and shovels. In some cases establishments subject to classification 5004 will use multiple subclassification codes on a single contract and premium report.

This classification excludes forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest fire fighting, slashing, pile burning, roadside brushing, roadway dust/mud control which is to be reported separately in classification 5006 "forestry related machine work"; logging operations which are to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and technical survey work which is to be reported separately in classification 1007.

5004-04 Animal damage control

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry and timberland services. Use of this classification is limited to services related to animal damage control such as placing salt blocks and hay for wildlife. This is done to provide food and nutritional supplements to forest wildlife as an alternative and preventative measure to reduce destruction to newly planted seedlings (trees) caused by feeding animals.

5004-05 Beaver trapping

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to services related to trapping mountain beaver. This is done to prevent damage to trees caused by mountain beaver when feeding and building nests for rearing their young.

5004-06 Chemical spraying

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to services related to chemical spraying. This is done to kill competing vegetation growing around

young seedlings (chemical conifer release) and keep the brush on roadsides down.

This classification excludes manual conifer release which is to be reported separately in classification 5004-14.

5004-07 Cone picking

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to services related to cone picking which is done to obtain seed for new trees. Cone picking may occur on the ground or in the trees. All forms of cone picking are included within the scope of this classification.

5004-08 Fertilizing services

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to services related to applying liquid and dry fertilizers on trees and vegetation within forested or timbered lands. This is done to stimulate and encourage the growth of desired trees and vegetation.

5004-09 Hydro seeding services

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to hydro seeding abandoned roads and roadsides which is done primarily for erosion control and habitat development. This classification also includes manual labor associated with erosion control or habitat development projects.

5004-11 Pruning services

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to pruning lower tree branches. This is being done on an experimental basis on certain plots to aid in the production of clear wood (knot free) for future plywood and furniture demands.

5004-12 Tree netting services

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to placing netting or paper sleeves over new tree growth to discourage animals from eating the growth. This is also referred to as bud capping.

5004-13 Tree planting services

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to planting trees in a forest (reforestation) or in privately owned timbered land. This is done to re-establish a tree population after logging or a fire.

5004-14 Tree thinning services including forest trail construction and brush clearing, N.O.C.**(to be assigned only by the reforestation underwriter)**

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in the removal of unmarketable trees with a chain saw, machete, or pruning loppers, brush clearing, manual tree slashing and constructing walking paths or trails. This is done to reduce competition of the remaining trees for water and nutrients, eliminate fire hazard and provide trails for management and recreational use. This classification includes manual conifer release.

This classification excludes chemical conifer release which is to be reported separately in classification 5004-06.

5004-18 Miscellaneous forestry services, N.O.C.**(to be assigned only by the reforestation underwriter)**

Applies to contractors and employees of landowners engaged in forestry and timberland services not covered by another classification (N.O.C.). This classification is for miscellaneous manual labor on forest or timberland such as, but not limited to, manual forest fire fighting.

AMENDATORY SECTION (Amending WSR 94-12-051, filed 5/27/94, effective 7/1/94)

WAC 296-17-66003 Classification 5005.

~~((Logging and/or tree thinning—mechanized operations: Use of this classification is limited to employers who are engaged in the "entire operation" of mechanical logging and/or tree thinning. For purposes of this rule the "entire operation" refers to the felling of trees, removal (skidding) of trees, processing (delimiting and bucking) of trees, and loading of trees on to log trucks by machines. Employers who are only involved in a portion of the work, and not involved in the "entire operation" of mechanical logging or tree thinning as described above are not covered by this classification and are to be reported separately in classification 5001 "logging, N.O.C." For example, an employer that subcontracts to fell trees with a feller/buncher or processor but is not involved in the removal (skidding) of the trees, the processing (delimiting and bucking) of trees and the loading of trees is excluded from this classification (5005) and is to be reported under classification 5001 "logging, N.O.C." Any employer whose operation includes any manual felling, removal, processing or loading of trees is excluded from this classification (5005) and is to be reported under classification 5001 "logging, N.O.C."~~

~~Equipment used by employers subject to this classification will consist of the following:~~

~~Feller/buncher—this machine is used to fell trees and place felled trees into stacks (bunches) for removal to the log landing for further processing. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation~~

~~Processor—this machine is used to fell trees, delimit them, buck the tree to the desired log length and stack them (bunches) for removal to the landing where they will be~~

~~segregated by general grade and loaded onto log trucks. In some cases a processor is used at the landing to delimit trees and buck them to log length. This is especially true when the trees are felled by a feller/buncher. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation~~

~~Grapple skidder—this machine is used to remove (ground skid) stacks (bunches) of felled trees from the woods to the landing. The industry refers to the skidder as a tractor. A bulldozer is also referred to by the industry as a tractor. The two are distinguished from one another in that the skidder is a tire driven tractor and the bulldozer is a track driven tractor. A bulldozer equipped with a grapple is an acceptable piece of equipment to be used in the removal of trees. The operator of either the grapple skidder or bulldozer equipped with grapple does not leave the cab of the machine in the performance of duties in the logging operation~~

~~Forwarder—this machine is used to remove logs as cut by a processor from the woods to an awaiting log truck or to be stacked in piles for a future pickup by a log truck. This is a small specialized tractor equipped with a self-loader and a log bunk. The operator of this machine does not leave the machine in the performance of duties in the logging operation~~

~~Harvester—this machine is used at the landing of the logging side to delimit trees and buck trees to desired log length. This machine can also be used to load logs on to log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation~~

~~Loader—this machine is used at the landing to load logs on to log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation~~

~~All equipment used by employers subject to this classification must meet WISHA guidelines for Roll Over Protection Standards (ROPS) and Falling Object Protection Standards (FOPS)~~

~~See risk classification 5206 (WAC 296-17-675) for permanent shop/yard operations.))~~

5005-00 Logging and/or tree thinning - mechanized operations**(to be assigned only by classification services staff)**

Applies to establishments engaged in mechanized logging or tree thinning operations. For purposes of this classification, mechanized logging is defined as the entire process of felling, removal (skidding), yarding, processing, delimiting, bucking and loading of trees/logs by machine. This classification can only be used by a logging contractor if the entire side is being logged using methods and equipment described in this rule. If any portion of the side is being logged by conventional methods the entire operation must be reported in classification 5001 - Logging, N.O.C. For example, an employer that subcontracts to fell trees with a feller/buncher or processor but is not involved in the removal (skidding) of the trees, the processing (delimiting and bucking) of the trees and the loading of trees is excluded from classification 5005 and is to be reported in classification 5001 - Logging, N.O.C. Any employer whose operation includes

any manual felling, removal, processing, or loading of trees is excluded from classification 5005 and is to be reported in classification 5001 - Logging, N.O.C. Work contemplated by this classification includes the falling of trees with a machine such as a feller buncher or processor; skidding logs to the landing with use of a grapple skidder or forwarder; delimiting logs with a mechanized delimitter such as a stroke delimitter, processor, CTR or harvester; and loading logs onto log trucks with a mechanical loader or shovel. Equipment used by employers subject to this classification will consist of the following:

Feller/buncher - used to fell trees and place felled trees into stacks (bunches) for removal to the log landing for further processing. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Processor - used to fell trees, delimit them, buck tree to desired log length and stack the bunches for removal to the landing where they will be segregated by general grade and loaded onto log trucks. A processor is sometimes used at the landing to delimit trees and buck them to log length, especially when the trees are felled by a feller/buncher. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Grapple skidder - is used to remove (ground skid) stacks (bunches) of felled trees from the woods to the landing. The industry refers to both the skidder and the bulldozers as a tractor. The two are distinguished from one another in that the skidder is a tire-driven tractor and the bulldozer is a track-driven tractor. A bulldozer equipped with a grapple is an acceptable piece of equipment to be used in the removal of trees. The operator of either the grapple skidder or bulldozer equipped with grapple does not leave the cab of the machine in the performance of duties in the logging operation.

Forwarder - is used to remove logs as cut by a processor from the woods to an awaiting log truck or to be stacked in piles for a future pick up by a log truck. This is a small specialized tractor equipped with a self-loader and a log bunk. The operator of this machine does not leave the machine in the performance of duties in the logging operation.

Harvester - is used at the landing of the logging side to delimit trees and buck trees to desired log length. This machine can also be used to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Loader - is used at the landing to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

This classification excludes log hauling which is to be reported separately in classification 5003 and logging road construction which is to be reported separately in classification 6902.

Special notes: If any portion of the logging contract is performed manually or by hand, the establishment does not qualify for this classification. If any portion of the logging contract is subcontracted out to another business and is performed manually or by hand, then all businesses involved in

the logging contract will not qualify for this classification and are to be reported separately in classification 5001.

All equipment used by employers subject to this classification must meet WISHA guidelines for Roll Over Protection Standards (ROPS) and Falling Object Protection Standards (FOPS).

See classification 5206 (WAC 296-17-675) for permanent shop/yard operations.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-66004 Classification 5006.

(Forestry related machine work - to include but not limited to brush clearing, dust control, forest fire fighting, scaring, slash piling or burning, and slope grooming-)

This classification applies to establishments engaged in forestry and timberland management services. It applies to employees of contractors and of landowners. Classification 5006 and related classifications 1007 and 5004 cover various activities associated with the management of forests, range and timberland. These classifications have also been assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. *The industry covered by this series of classifications has special reporting requirements.* Establishments assigned to classifications 1007, 5004 and 5006 report work on a contract basis. These contracts may span a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements. Classification 1007 applies to technical services such as identifying volume and species of trees in a section of timberland or a forest, auditing parcels planted by a tree planting contractor for quality control purposes, conducting environmental studies, testing growing techniques and similar activities. Classification 5004 covers various forms of work conducted in the forest or timberland generally associated with the overall care of these lands. Classification 5004 is used to report manual crew labor. Classification 5006 covers machinery operations on these lands such as, but not limited to, clearing, slashing, hydro seeding, chemical spraying and forest fire fighting. It will be common in the case of a forest fire to have employees reporting in both classification 5004 and 5006 for forest fire fighting since some employees will operate bulldozers, loaders and tanker trucks while others will use chain saws and shovels. In some cases establishments subject to classification 5006 will use multiple subclassification codes on a single contract and premium report.

5006-00 Forestry machine work - brush clearing and chemical spraying

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in brush clearing using specialized tractors and chemical spraying.

5006-01 Forestry machine work - dust control

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in spraying water on logging roads to reduce dust caused by log hauling trucks, logging equipment and other passenger traffic. Equipment consists of a water tanker truck equipped with a spray apparatus controlled from within the cab of the vehicle.

5006-02 Forestry machine work - forest fire fighting

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in forest fire fighting using equipment such as, but not limited to, water tanker trucks, bulldozers and loaders.

5006-03 Forestry machine work - forest trail construction

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in forest trail construction using equipment such as, but not limited to, bulldozers and loaders.

5006-04 Forestry machine work - scarifying

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in scarifying work using equipment such as, but not limited to, bulldozers and loaders.

5006-05 Forestry machine work - slash burning

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in slash burning leftover vegetation and tree debris using equipment such as, but not limited to, bulldozers, loaders and water tanker trucks.

5006-06 Forestry machine work - slash piling

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in piling leftover vegetation and tree debris (slash) using equipment such as, but not limited to, bulldozers and loaders.

5006-07 Forestry machine work - slope grooming

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in removing vegetation and grading (leveling and smoothing) land using equipment such as, but not limited to, bulldozers and loaders.

5006-08 Miscellaneous forestry services, N.O.C.

(to be assigned only by the reforestation underwriter)

Applies to contractors and employees of landowners engaged in forestry and timberland services not covered by another classification (N.O.C.). This classification is for miscellaneous machine work on forest or timberland such as, but not limited to, hydro seeding and erosion control.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-661 Classification 5101.

((Metal ejection molding

Pipe or tube manufacturing, iron or steel.))

5101-31 Pipe or tube: Manufacturing - iron or steel; Metal ejection molding

Applies to establishments engaged in the manufacture of pipe or tubes from iron or steel. This classification contemplates both seamed and seamless pipe and tubing involving either a hot or cold drawing process or roll forming and machine welding processes, as well as flexible steel tubing used for products such as, but not limited to, automotive exhaust systems, water lines, and oil lines. In the drawing process, metals are melted to a molten state in furnaces, then rolled or spun in rolling machines and a pipe or tube is drawn. Tubing may be annealed (fed through a furnace then slowly cooled to strengthen and reduce brittleness). In the roll forming method flat sheets of iron or steel are bent in brake presses or other rolling or bending machinery, then the edges are welded together to form the pipe or tube. This classification also includes metal ejection molding in which raw scrap and pig iron is melted, forced into casting machines, and cast in high speed revolving flasks of various shapes depending on the product being produced. When finished, products are ejected from the molds. They may be further processed by annealing, tumbling, deburring and grinding, and cleaned in acid baths.

This classification excludes pipe dealers which are to be reported separately in classification 2009; the installation of any product manufactured in this classification which is to be reported separately in the classification applicable to the work being performed; and foundry operations which are to be reported separately in classification 5103.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-663 Classification 5103.

((Foundries, N.O.C.))

5103-00 Foundries, N.O.C.

Applies to establishments engaged in operating foundries that manufacture castings from ferrous and/or nonferrous metals. To form castings, metal is melted in furnaces, then poured or ladled into molds. After they are cooled and solidified, castings are removed from molds with shake out machines, or tools such as torches, electric arcs, abrasive saws, or sledgehammers. Depending on the product and the carbon or alloy content of the metal, further repair or refining such as welding, annealing, tempering, flame hardening or

other heat treatments may be needed. Cleaning and finishing processes include, but are not limited to, machining, chipping, grinding, shot or sandblasting, tumbling, and acid pickling to remove surface defects, inspection (sometimes by radiation or chemical analysis) and painting or powder coating. Foundries may make their own patterns and mold, and/or perform their own finishing processes, or they may contract these activities out to pattern-making shops or to machine shops.

This classification excludes establishments that perform only pattern making functions which are to be reported separately in classification 2906 and establishments engaged exclusively in machine shop services which are to be reported separately in classification 3402.

Special note: Foundries that make their own patterns and/or perform their own machine finishing may report those operations separately in the classifications applicable to the work being performed provided all of the conditions of the general reporting rule covering the operation of a secondary business activity have been met.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-666 Classification 5106.

((Blacksmithing, spring manufacturing, not wire spring, auto bumper manufacturing

Tool forging, hot forming or stamping

Forging works, drop or machine

Chain manufacturing, forged.))

5106-08 Blacksmithing; vehicle spring or auto bumper; Manufacturing

Applies to establishments engaged in blacksmithing, or in manufacturing leaf springs or bumpers for vehicles. Blacksmithing is the hammering of metal heated in a forge to shape either with hand tools or with a steam or air hammer. The force of the blow is controlled by the operator and the desired size or shape is produced between flat dies like a hammer and anvil. Incidental welding, grinding, tempering and sharpening may also be involved. Spring manufacturing contemplated by this classification are known as leaf springs and are used in vehicles. To make leaf springs or bumpers, steel is rolled, sheared or stamped to size, bent to shape and then tempered to produce the required degree of elasticity.

This classification excludes the manufacture of wire springs, such as for wire mattresses or bed springs, which is to be reported separately in classification 3402.

5106-09 Tool forging: Hot forming or stamping

Applies to establishments engaged in the manufacture of products such as, but not limited to, forging tools, hand tools such as wrenches or levels, and small machine tools such as twist drills, chisel bits, dies, or jigs, by hot forming or stamping. Tool forging by hot forming or stamping involves heating metal in a furnace or hearth, then beating or hammering the heated metal into desired shapes with large drop hammers or rams. After forging is completed, goods are finished with typical machine shop equipment. Finishing processes may involve cutting, turning, shaping, heat-treating, drilling, mill-

ing, grinding, tapping and finishing by assembling, polishing, buffing, painting or plating.

This classification excludes establishments engaged in the manufacture of tools by machining operations which are to be reported separately in the applicable machining classification.

5106-10 Forging works; drop or machine

Applies to establishments engaged in the manufacture of products such as, but not limited to, engine parts, hooks, and chains by drop or machine forging. Forgings are produced by drop or trip hammers or forming presses. Drop or machine forging differs from blacksmithing or hammer forging in that closed impression dies are used. The forgings are produced by impact or pressure which forces the metal to conform to the shape or the die, one half of which is carried by the ram while the other half is held stationary on the anvil block. Trimming is done by the trimmer dies in a separate press which removes the surplus metal that squeezes out between the two sections of the forging die.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-668 Classification 5108.

((Cable or wire rope drawing and manufacturing

Cable or wire rope manufacturing, no drawing

Cable or wire insulation or covering.))

5108-55 Cable or wire rope: Drawing and manufacturing

Applies to establishments engaged in wire drawing including wire rope or cable manufacturing from iron or steel. Establishments may be engaged in the further manufacturing of products made from wire such as, but not limited to, baling wire, barbed wire, spikes, galvanized wire and nails. The process involves the forming of metal on a swage block into a shape that will eventually be drawn through a series of dies to reduce it in size. Some wire may be heat-treated to allow for continual drawing. Secondary and final drawing machines with progressively smaller dies are used to reduce the wire to the desired fineness. Incidental galvanizing is considered normal to iron or steel wire when performed as a subsequent treatment of drawn wire. The finished wire is automatically wound onto reels for shipment or may be further processed into wire rope or cables. Stranding and braiding is done on automatic machines and the wire or cable stored on shipping reels.

5108-56 Cable or wire rope: Manufacturing with no drawing

Applies to establishments engaged exclusively in stranding iron or steel wire rope or cable. Reeled iron or steel coils of drawn wire and core material are received from others. The wires are mechanically wound together to form a multi-wire strand which are then wound helically around a metal or fiber core to form wire rope. The finished rope or cable is pulled through a compression die, measured by power driven drums and stored on shipping reels.

5108-57 Cable or wire insulation or covering: Manufacturing

Applies to establishments engaged in manufacturing insulated or covered electrical cable. These establishments receive the drawn wire and the insulation material from outside sources. Commonly used insulation materials are enamel or lacquer, rubber, plastic, paper, cambric and cotton thread. Enamel or nylon insulation is applied by running the wire through heated tanks of either mix. The wire is then dried in ovens and the cycle is repeated several times. This classification applies also to the placing of various protective coverings on insulated wire. These protective coverings are generally cotton braid, metallic armor or lead sheathing. This classification includes incidental wire stranding when performed by employees of employers subject to this classification.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-669 Classification 5109.

~~((Heavy arms: Manufacturing or repair
Heavy machinery and equipment: Manufacturing or repair
Press rollers: Recoating or resurfacing
Locomotive engine: Manufacturing or repair.))~~

5109-46 Heavy machinery & equipment including locomotive engines: Manufacture or repair; Press roller recoating/resurfacing

Applies to establishments engaged in the manufacture, assembly, and repair of heavy equipment. Machinery and equipment subject to this classification are usually made of steel and steel/iron castings and include, but are not limited to, bulldozers, dump trucks, graders, skidders, forklifts and logging towers. The component parts may weigh several hundred to thousands of pounds. Overhead cranes are commonly used in the assembly process. Machinery used in the manufacturing, assembly, and repair includes, but is not limited to, boring mills, lathes, iron workers, welders/cutters, cut saws, and drills. Some establishments use CNC (computer numeric controlled) machinery; however, most establishments in this classification primarily use manual machinery and conventional welders/cutters. Other common operations covered by this classification include paint, welding, and electronic assembly areas. This classification also includes establishments that repair, recoat or resurface press rollers such as, but not limited to, the type rollers used by printing and paper making mills. Operations include repairing the interior shafts of the rollers, then grinding fiberglass or ceramic finishes until they are smooth. For rubber-coated surfaces, they remove the old rubber from the metal surface, sandblast the roller, then recoat it with new rubber. Most establishments that recoat the surface with rubber will mix and extrude their own rubber which is included in this classification when performed by employees of employers subject to this classification.

Special note: Field work as well as shop work is contemplated as an integral part of this classification. A vehicle may be equipped with welding equipment and other tools used for field repair. The broken part may be replaced in the

field or returned to the shop, repaired if feasible, or a new part is ordered. The part is then loaded onto the field vehicle taken to the job site and reconnected. Some establishments perform this type of field work almost exclusively.

5109-47 Heavy arms: Manufacturing or repair

Applies to establishments engaged in the manufacture or repair of heavy arms including large munitions. This classification applies to all types of guns 20 MM and larger including, but not limited to, aircraft guns, tank guns, naval guns, torpedoes and aircraft gun turrets.

Special note: Field work as well as shop work is contemplated as an integral part of this classification. A vehicle may be equipped with welding equipment and other tools used for field repair. The broken part may be replaced in the field or returned to the shop, repaired if feasible, or a new part is ordered. The part is then loaded onto the field vehicle taken to the job site and reconnected. Some establishments perform this type of field work almost exclusively.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-670 Classification 5201.

~~((Electric motors, generators, alternators, starters, converters, solenoids and servomotors manufacturing or assembly including repair~~

~~Electric power or transmission equipment manufacturing or assembly~~

~~Electrical toasters, frying pans, and wire harnesses manufacturing or assembly~~

~~Vacuum cleaners and electrical appliances manufacturing or assembly, N.O.C.~~

~~This classification contemplates the manufacturing or repair of transformers, switchboards, circuit breakers, switches or switchboard apparatus, power switching devices or systems, power invertors or similar equipment but excludes installation or service~~

~~This is a shop or plant only classification, all outside activities are to be separately rated.)~~

5201-75 Electric power or transmission equipment: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of electrical power or transmission equipment, most of which is industrial and is used by public utilities for the transmission of electrical power. Equipment manufactured includes, but is not limited to, transformers, switchboards, circuit breakers, switches or switchboard apparatus, power switching devices or systems, and power invertors. Transformers step down voltage from very high to a lower voltage. Switching equipment is normally used to switch the electricity from an incoming line to outgoing lines. Transformers are usually made from sheet metal which is approximately 14 gauge. Machinery used to manufacture transformers is similar to that used in a sheet metal shop. Winding machines are also used to wind wire to form a coil which is placed inside the transformer. This is a shop or plant only classification.

This classification excludes the installation, service or repair away from shop of products manufactured which are to

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be reported separately in the applicable classification; the installation, removal, and repair of electric power or transmission equipment or machinery by a contractor which is to be reported separately in the classification applicable to the work being performed.

Special note: Switchboards, current breakers and switches subject to this classification are distinguishable from switchboards, current breakers and switches covered in classification 3602. Classification 3602 switches are those found on personal computers, household light switches, and small electrical appliances compared to switches manufactured in classification 5201 which are large metal bars used in power plants and substations. Circuit breakers covered in classification 3602 are of the size found in household breaker panels compared to circuit breakers covered in classification 5201 which appear more like large round cylinders with flat metal bars extruding from the cylinders. Switchboards covered in classification 3602 are computerized systems such as telephone systems compared to industrial switchboards such as those used in rail systems for switching trains on tracks.

5201-76 Electric toasters, frying pans, wire harnesses, vacuum cleaners, electrical appliances, N.O.C: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of electric toasters, frying pans, wire harnesses, vacuum cleaners (including central vacuum systems), table top or counter top electrical appliances which are not covered by another classification (N.O.C.) including, but not limited to, electric shavers, steam and dry irons, waffle irons, can openers, mixers and blenders. Wire harnesses are the configuration of wires making up the electrical circuit inside an appliance or vehicle that does not include the cord set which will connect the appliance to the power source. The manufacturing process contemplated by this classification is the assembly of component parts and casings, purchased from other manufacturers, with small hand tools such as, but not limited to, drills, screwdrivers, rivet guns, and soldering or brazing tools. This is a shop or plant only classification; all activities away from the shop or plant are to be reported separately.

This classification excludes establishments engaged in the repair of household appliances for others which are to be reported separately in classification 0607; establishments engaged in the manufacture of larger household appliances such as electric ranges, washing machines and refrigerators which are to be reported separately in classification 3404; establishments engaged in the assembly of electric cordset radio and ignitions which are to be reported separately in classification 3602; and the service or repair away from shop of products manufactured in this classification which are to be reported separately in the applicable classification.

5201-78 Electric motors, generators, alternators, starters, convertors, solenoids and servomotors: Manufacturing or assembly including repair

Applies to establishments engaged in the manufacture or assembly of electric motors, generators, alternators, starters, convertors, solenoids and servomotors of all sizes and horsepower. Convertors convert electricity from one voltage to

another; solenoids are switches used to control the flow of electrical current; servomotors are electrical motors used to help control a mechanical device. This is a shop or plant only classification; all activities away from the shop or plant are to be reported separately.

This classification excludes the installation, service, or repair away from shop of products manufactured in this classification which are to be reported separately in the applicable classification and the installation, removal, and repair of electric power or transmission equipment in machinery by contractor which is to be reported separately in classification 0601.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-673 Classification 5204.

~~((Railroad car manufacturing or repair
Railroad car wheel manufacturing or repair-))~~

**5204-58 Railroad car: Manufacturing or repair
Railroad car wheel: Manufacturing or repair**

Applies to establishments engaged in the manufacture or repair of railroad cars and/or railroad car wheels. This classification includes the repair or rebuilding of freight cars, repair of railroad rolling stock tank cars or passenger cars. Inspections of railroad cars are usually conducted prior to making the repairs. Types of repair include, but are not limited to, electrical, mechanical (such as for brakes), or welding (such as on handrails and steps).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-675 Classification 5206.

~~((Construction or erection contractors permanent yard or shop for maintenance or storage of firm's equipment or material~~

~~This classification is applicable only to a permanent yard or shop maintained by the employer for the storage of material, or the storage and maintenance of equipment. This classification is applicable only to those employees regularly assigned to the shop or yard, and whose duties are solely incidental to the storage, repair or maintenance of the employer's equipment or material. No employee having any other duties during their shift or work day will be rated in this classification-))~~

5206-78 Permanent yard or shop operations: logging or log hauling contractor

Applies to permanent yard or shop employees of logging or log hauling contractors. This classification is limited to contractor yards and shops which are maintained exclusively for the storage of materials and maintenance of equipment used in their logging and/or log hauling business. This classification does not contemplate any manufacturing operations. Only employees of a logging or log hauling contractor who are assigned to the shop or yard are to be reported in this classification. This classification is further restricted in that employees reported in classification 5206-78 cannot have any other duties other than those related to the storage of

materials and/or the maintenance of equipment during their work shift or work day. Any employee having any other duties during their assigned work shift or day are to be reported separately in the applicable logging or log hauling classification.

Special note: Under no circumstances can this be the only classification assigned to an employer.

5206-79 Permanent yard or shop operations; Construction or erection contractor

Applies to permanent yard or shop employees of construction or erection contractors. This classification is limited to contractor yards and shops which are maintained exclusively for the storage of materials and maintenance of equipment used in their construction business. This classification does not contemplate any manufacturing operations. For example, a contractor engaged in cabinet manufacturing and installation is to report the shop and yard operation in classification 2907 and is not entitled to classification 5206. Only employees of a construction or erection contractor who are assigned to the shop or yard are to be reported in this classification. This classification is further restricted in that employees reported in classification 5206-79 cannot have any duties other than those related to the storage of materials and/or the maintenance of equipment during their work shift or work day. Any employee having any other duties during their assigned work shift or day are to be reported separately in the applicable construction classification.

Special note: Under no circumstances can this be the only classification assigned to an employer.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-676 Classification 5207.

~~((Bowling centers
Skating rinks—ice or roller
This classification includes food and beverage operations.))~~

5207-00 Bowling centers

Applies to establishments engaged in operating bowling centers. Duties include, but are not limited to, renting bowling shoes, collecting fees, distributing score sheets, designating and activating lanes, organizing league competitions, repairing and maintaining scoring equipment, automatic pin setting equipment, ball return machinery or automatic ball cleaning units, refinishing pins and cleaning, waxing, polishing, or buffing the lanes. This classification includes food and beverage operations, pro shop and billiard room operations when conducted as part of the bowling center by employees of the bowling center.

This classification excludes contractors who refinish or replace the hardwood flooring of the lanes which are to be reported separately in classification 0513; food services operated by concessionaires independent of the bowling center which are to be reported separately in classification 3905; and amusement parks that include bowling lanes as part of their operation which are to be reported separately in classification 6208.

5207-01 Skating rinks; Skateboard facilities

Applies to establishments engaged in the general operation of roller or ice skating rinks. Duties include, but are not limited to, renting roller or ice skates or rollerblades, collecting fees, assigning lockers, renting the rinks, playing music, organizing groups or competitions, performing as rink guards, repairing and maintaining sound, communication or lighting equipment, cleaning, polishing, or dusting roller skating rink floors, and maintaining the ice on the ice rinks. This classification includes food and beverage services and skate shop operations when conducted as part of the rinks by employees of the rinks. Skate shops may sell skates, clothing and related accessories, and perform minor adjustments on skates with hand tools, sharpeners, grinders, or wheel lathes. This classification also includes the operation of skateboard facilities.

This classification excludes contractors who refinish or replace the hardwood flooring of the rink which are to be reported separately in classification 0513 and food services operated by concessionaires independent of the skating rink which are to be reported separately in classification 3905.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-67601 Classification 5208.

~~((Brass, bronze, iron ornamental—shop fabricating, assembly and manufacturing~~

~~Iron or steel works, shop, fabricate or assemble structural iron or steel~~

~~Iron works—shop—fabricate, assemble or manufacture non-structural iron or steel~~

~~Iron works—shop—manufacturing railings, staircases, fire escapes, etc.~~

~~Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all activities away from the shop or plant.))~~

5208-00 Iron or steel works: Fabrication or assembly - structural iron or steel

Applies to establishments engaged in the fabrication or assembly of structural iron or steel. Structural in this classification will mean when fabricated for and used in the frame or grid work of a building, tower, bridge, or similar construction. Fabrication means the laying out of the pieces, the marking, cutting, sawing, drilling, punching, bolting, welding, assembling and finishing of the structural steel products. Raw materials include, but are not no limited to, steel I-beams, tube steel, angle steel, and flat steel. Machinery includes overhead cranes, horizontal and vertical band saws, shears, punches, drill press, brake presses, and welding equipment. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the erection of structural iron or steel in connection with towers, refineries, elevated

railways, and buildings which is to be reported separately in the applicable iron or steel construction classification; contractors engaged in building construction who are to be reported separately in the applicable iron or steel construction class; bridge construction, including structural iron or steel erection, which is to be reported separately in the classification applicable to the work being performed; and manufacturing of rebar for construction which is to be reported separately in classification 5209.

5208-01 Brass, bronze, iron - ornamental: Shop fabrication, assembly or manufacture

Applies to establishments engaged in the manufacture, fabrication, or assembly of ornamental items from brass, bronze and/or iron. Products include, but are not limited to, railings, guards, staircases, fire escapes, and art items. Products are often light and do not require cranes or hoists to move them. The processes vary depending on the product being produced. The equipment includes, but is not limited to, iron workers, shears, drill presses, band saws, forklifts, welders, and grinders. The painting of products manufactured is included in this classification when performed by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes installation which is to be reported separately in the classification applicable to the work being performed.

5208-02 Iron works: Fabrication, assembly, or manufacture: nonstructural iron or steel

Applies to establishments engaged in the manufacture, fabrication or assembly of nonstructural iron or steel. Fabrication means the laying out of the pieces, the marking, cutting, sawing, drilling, punching, bolting, welding, assembling and finishing operations including painting. Products include, but are not limited to, cattle crossing grates, window gratings, grill pieces, and storage racks used by warehouses. Equipment includes, but is not limited to, cut saws, welders, drill presses, grinders, band saws, and hoists. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes installation which is to be reported separately in the classification applicable to the work being performed.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-67602 Classification 5209.

~~((Boiler making, tank building (shop)~~

~~Metal goods manufacturing, N.O.C., from material 9 gauge or heavier~~

~~Wood stove manufacturing~~

~~Unless otherwise specified in the classification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when~~

~~operated by an employer having operations subject to this classification~~

~~This classification excludes all activities away from the shop or plant.))~~

5209-00 Boiler or tank construction

Applies to establishments engaged in the construction of boilers or steel tanks. Boilers are tanks used to either store hot water or make steam. Tanks may be used to hold products such as, but not limited to, sand and gravel, water, solid waste or fuels. The product is constructed from steel plate and may use I-beams for structural support. The materials may be purchased in bulk, if the business has the brake presses and rollers to cut and shape the metals to the appropriate dimensions, or as fabricated components. These establishments may also use cutting torches and other welding equipment in the manufacture of their products. They usually have a large shop area in one or more buildings that is equipped with overhead cranes. There is usually a yard to store raw materials, work-in-process, and finished goods. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes installation of boilers or tanks which is to be reported separately in the classification applicable to the work being performed.

5209-01 Metal goods, N.O.C. from 9 gauge or heavier metals

Applies to establishments engaged in the manufacture of goods using ferrous and nonferrous metal of 9 gauge or heavier. 9 gauge metals are approximately 1/8" thick. Items manufactured include, but are not limited to, crab pots, gaff hooks, firewood boxes, rims for basketball hoops, and rebar. Raw material is cut to desired size with saws, shears, brake presses, punches, and flame cutters. Parts may be joined by welding, riveting, screwing, or bolting. The parts may be handled by overhead cranes, hoists, and forklifts. The products may be finished in a variety of ways including, but not limited to, sanding, grinding, cleaning with solvents and applying paint or lacquer. Finish work is included in this classification when performed by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes establishments primarily engaged in structural iron or steel manufacturing which are to be reported separately in classification 5208; establishments primarily engaged in welding and machine shop activities which are to be reported separately in classification 3402; and establishments primarily engaged in manufacturing products from metal lighter than 9 gauge which are to be reported separately in classification 3404.

5209-02 Wood or pellet burning stove: Manufacturing

Applies to establishments engaged in the manufacture of wood or pellet burning stoves. Sheet steel or plate metal is sheared, formed, punched, baked and decreased. Parts are assembled by spot welding, then enameled or painted. Grey iron parts are foundry cast, chipped, and ground. Heating

elements, insulation, wiring and control assemblies, glass panels and grey iron parts are assembled into stove shells on the production assembly line. The stoves are then packed for shipment. Materials include, but are not limited to, sheet steel, grey iron or ferrous castings, insulation materials, glass, aluminum and brass tubing control assemblies, chrome trim and hardware, and paints and enamels. Equipment includes, but is not limited to, power presses, shears, brake presses, welding equipment, spray painting equipment, baking oven, pneumatic and electric grinders and chippers, and pneumatic tools. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-677 Classification 5301.

~~((Accounting or bookkeeping services~~

~~Court reporting services~~

~~Credit bureaus~~

~~Employment agencies~~

~~Law firms~~

~~Management consultant services, N.O.C.~~

~~Secretarial or telephone answering services~~

~~Travel agencies~~

~~Word processing services~~

~~This classification includes clerical office and sales personnel
This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operation to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.))~~

5301-10 Accounting or bookkeeping services

Applies to establishments engaged in providing general accounting or bookkeeping services to others. Types of services contemplated by establishments subject to this classification include, but are not limited to, auditing, tax preparation, medical or dental claims processing and billing, and/or advisory services. This classification includes all employments such as, but not limited to, clerical office, outside sales, and personnel who travel from one office to another.

This classification excludes establishments engaged primarily in management consultant services that are not otherwise classified, which are to be reported separately in classification 5301-12.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-11 Law firms

Applies to establishments engaged in providing legal services to others. Law firms may specialize in one or more areas of law. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

Special note: This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-12 Management consultant services, N.O.C.

Applies to establishments engaged in providing management consulting services not covered by another classification (N.O.C.). Management consultants typically will observe and analyze organizational structures, work processes or work flows, mail distribution, computer or communication systems, and planning or development of related business needs. After a thorough analysis, consultants usually prepare a written report for the customer which identifies problem areas and/or recommends improvements to processes or equipment. Consultants may remain to oversee the implementation of the recommended improvements. Consultants subject to this classification do not sell any product they have recommended although they may act as an agent for their client in purchasing the product. Consulting projects vary from client to client depending upon the contract. This classification includes clerical office staff, outside sales personnel and other staff who travel from one office to another.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-13 Credit bureaus; collection agencies

Applies to establishments that are licensed to provide collection and/or credit investigation services to others. Services include, but are not limited to, the collection of NSF checks or delinquent debts owed to clients of the collection agency and checking the credit backgrounds of their client's potential customers. If debts are not collected, the service agency may initiate legal proceedings against the debtor. This classification includes clerical office and outside sales personnel, other staff who travel from one office to another, and process servers, although collection agencies subject to this classification generally employ process servers of other businesses to deliver legal documents.

This classification excludes establishments engaged in providing process serving services which may be reported separately in classification 6303 provided all the conditions of the general reporting rules covering standard exception employees have been met.

5301-14 Employment agencies

Applies to establishments that are licensed to provide employment services for others. Clients of employment agencies may be persons seeking employment or companies looking for employees. Employment agencies usually conduct preliminary interviews with candidates for positions prior to referring them to their client companies for interviews. Generally, establishments subject to this classification place people in permanent positions. This classification includes clerical office and outside sales personnel, and staff who travel from one office to another.

This classification excludes employees of a temporary help agency who are assigned to work in the administrative or branch offices of the agency who are to be reported separately in classification 7104 and employees of a temporary help agency who are assigned on a temporary basis to its customers who are to be reported separately in the appropriate temporary help classification.

5301-15 Court reporting services

Applies to establishments engaged in providing court reporting services to others. Court reporters record verbatim testimony presented in court proceedings, depositions, public hearings or meetings. The most frequently used method to record testimony is by stenotype machine, although it may be recorded by voice recording on audio tape, or by manual shorthand. Transcription of the recorded material may be performed by the court reporter or by "note readers" or typists. The majority of court reporters today use computer-aided transcription systems. Court reporters may also offer notary public services for their clients. This classification includes clerical office and staff who travel from one office to another.

5301-16 Service and professional organizations

Applies to establishments engaged in protecting or furthering the interest of their members and/or the general public. Many of these operate as nonprofit organizations. Service and professional organizations may perform one or many of the following activities: Maintain a membership directory; collect membership dues; publish a newsletter; sponsor educational training programs; administer certification tests; provide job placement assistance; award scholarships; offer insurance programs; research and interpret local, state, and federal regulations and apprise members of the results; manage promotional marketing programs; organize fund raising campaigns; perform charitable community services; sponsor athletic leagues and tournaments; host conventions; disburse funds; perform collective bargaining; arbitrate disputes; provide counseling, adoption, and advocacy services; lobby the legislature; compile, review, and disseminate informational data; operate a tourist information center; issue vehicle license registrations, plates, decals, and certificates of title. Also included in this classification are Economic Development Councils, Boards, or Associations. These nonprofit organizations provide economic consulting services and related statistics to government and industry in the promotion of economic stability, and recruit businesses who will create jobs and provide loans from the grant funds they manage. This classification includes clerical office and outside

sales personnel who travel from one office environment to another.

This classification excludes labor unions and employee representative associations which are to be reported separately in classification 6503.

5301-18 Telephone answering services

Applies to establishments engaged in providing telephone answering services for others. Customers include, but are not limited to, medical professionals, attorneys, private businesses, and individuals. Most answering services today use computerized communications systems to identify company names when answering calls for various companies, obtain correct information about the company to respond to questions, record and relay accurate messages in a timely manner. Related services often offered by telephone answering service companies include, but are not limited to, voice mail or paging, rental of office space, telemarketing, dispatching, monitoring alarm systems, placing reminder calls, and scheduling appointments for customers. This classification includes clerical office personnel and staff who travel from one office to another.

5301-19 Travel agencies

Applies to establishments engaged in providing travel arrangement services for others. Travel agencies coordinate all types of travel arrangements for their clients through air, cruise, train, or bus lines, hotels, motels, or resorts, car rental agencies, travel insurance companies, and related travel providers. Services vary and could include delivery of tickets and itineraries to clients, booking reservations and selling tickets for tours, excursions, or other entertainment events, or arrangement of special needs for disabled or elderly travelers. This classification includes clerical office and sales staff who travel from one office to another.

5301-21 Word processing or secretarial services

Applies to establishments engaged in providing word processing or secretarial services to others. Services include, but are not limited to, desktop publishing, dictation and transcription services, typing/compiling reports, proposals, resumes, or correspondence, sending faxes, and making copies of documents. A pickup and delivery service may be offered. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

Special note: This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-678 Classification 5305.

((Clerical office, sales personnel and white collar employees of cities and towns.))

5305-06 Clerical office and administrative employees of cities and towns

Applies to clerical office and administrative employees of cities and towns. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free from all operative hazards of the work environment. Administrative duties may be conducted in or out of the city or town facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

See classifications 0803, 1301, 1404, 6901, 6904, 6905 and 6906 for other city or town operations.

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-679 Classification 5306.

~~((Clerical office, sales personnel and white collar employees of county, public utility districts and taxing districts, N.O.C.~~

~~Clerical office, sales personnel and white collar employees of Indian tribal councils.))~~

5306-07 Clerical office and administrative employees of counties, public utility districts and taxing districts, N.O.C.

Applies to clerical office and administrative employees of counties, public utility districts and taxing districts, not otherwise classified (N.O.C.). Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free from all operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. Administrative duties may be conducted in or out of the county, public utility district or taxing district facilities, but are conducted in an atmosphere free from the operative hazards of the work environment. In addition to management activities, this classification also includes field auditors, social workers, alcohol and drug abuse programs, senior health and nutrition programs, medical and dental clinics or similar activities professionals would perform.

See classifications 1301, 1404, 1501, 1507, 4201, 6103, 6104, 6901, 6904, 6905, and 6906 for other county, public utility districts and taxing districts operations.

5306-25 Clerical office and administrative employees of Native American tribal councils

Applies to clerical office and administrative employees of Native American tribal councils. Clerical duties include, but are not limited to, answering telephones, handling corre-

spondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free from all operative hazards of the work environment. Administrative duties may be conducted in or out of the tribal council facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers, alcohol and drug abuse programs, senior health and nutrition programs, youth services, counselors, courts, medical and dental clinics or similar activities professionals would perform.

See classifications 1501 and 6905 for other Native American tribal council operations.

Special note: Tribal operations unrelated to the business of governing such as liquor and tobacco stores, casinos, logging, fisheries and bingo parlors are to be reported separately in the classification applicable to the operation.

5306-26 Clerical office and administrative employees of local public housing authorities

Applies to clerical office and administrative employees of local public housing authorities. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers and must be free from all operative hazards of the work environment. Administrative duties may be conducted in or out of the housing authority facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

This classification excludes all other employees including meter readers who are to be reported separately in classification 1501 and volunteers who are to be reported separately in classifications 6901 or 6906 as appropriate.

5306-27 Clerical office and administrative employees of military base maintenance contractors

Applies to clerical office and administrative employees of military base maintenance contractors. Clerical duties include, but are not limited to, answering telephones, handling correspondence, computer work, and maintaining financial, personnel and payroll records. A clerical office is a work area which is physically separated from all other work areas by walls, partitions or other physical barriers, and must be free from all operative hazards of the work environment. Administrative duties may be conducted in or out of the military base facilities, but are conducted in an atmosphere free from the operative hazards of the work environment associated with operations such as, but not limited to, jails, law enforcement and road works. In addition to management

activities, this classification also includes field auditors, social workers or similar activities professionals would perform.

See classification 1501 for other military base maintenance contractors' operations.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-67901 Classification 5307.

((State government, N.O.C.

This classification includes any state employee performing manual labor, supervising a work crew performing manual labor such as custodial or maintenance, construction, and machinery or equipment operators or administrative personnel such as engineers, safety inspectors, biologists who have field exposures

This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government

See classifications 4902, 4906, 7201, and 7103 for other state employees.))

5307-00 State government employees - N.O.C.

Applies to state government employees not covered by another classification (N.O.C.) who perform manual labor, or who supervise a work crew performing manual labor such as custodial or maintenance, construction, or the operation of machinery or equipment. This classification includes administrative personnel such as engineers, safety inspectors, and biologists, who have field exposure, and store and stock clerks. For the purposes of this classification field exposure is defined as any exposure other than the normal travel to a work assignment, such as a field auditor or social worker would encounter. This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government.

See classifications 4902, 4906, 7103, and 7201 for other state government operations.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-680 Classification 6103.

((Athletic officials for amateur sports, N.O.C., such as umpires and referees

Churches

Day nurseries or child care centers

Libraries, N.O.C.

Museums, N.O.C.

Schools, N.O.C. including dance, modeling, music and flight instructions classroom only

Schools: Academic K-12

Schools, trade or vocational

This classification is limited to clerical office, sales personnel, teachers N.O.C. and administrative employees

See classification 6104 for other operations.))

6103-01 Schools: Academic, K-12 - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as principals, assistant principals, receptionists, secretaries, counselors, school nurses, payroll and bookkeeping personnel, and teachers or teachers' aides of establishments engaged in operating public or private academic school facilities, K-12 (kindergarten level through grade 12).

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers' aides who are exposed to machinery hazards such as a wood shop, metal shop, print shop, auto shop, and driver training instructors who are to be reported separately in classification 6104.

6103-02 Schools: Trade or vocational - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as deans, directors, assistant directors, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and professors or instructors of establishments engaged in operating trade or vocational school facilities. These types of schools provide specialized training and instruction to prepare students for occupations in the chosen fields. Often these facilities will coordinate on-the-job training with employers as well as assist students in finding employment.

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, drivers, custodians, maintenance personnel and grounds keepers, and professors or instructors who are exposed to machinery hazards such as a wood shop, metal shop, print shop and auto shop who are to be reported separately in classification 6104.

6103-03 Libraries, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating library facilities not covered by another classification (N.O.C.). These types of facilities maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers who are to be reported separately in classification 6104.

6103-04 Churches - clerical office, sales personnel, teachers, N.O.C. and administrative employees
Bell ringers

Applies to clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll

and bookkeeping personnel, and instructors of establishments engaged in operating church facilities for members of a religious congregation to meet and worship on a daily or weekly basis. Other services provided include, but are not limited to, sermons, rites, counseling, baptisms, weddings, funerals, bible school, and day care during church services and events. When a church is also operating a school facility, the church classifications are to be assigned for both operations. This classification also applies to bell ringers for charitable organizations.

This classification excludes all other types of employees in connection with the church facilities such as, but not limited to, custodians, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-05 Museums, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as directors, assistant directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). Museums maintain a wide variety of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, packers, and warehousemen who are to be reported separately in classification 6104.

6103-06 Day nurseries or child day care centers - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, and administrative employees such as teachers, teachers' aides and nurses of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, or in providing baby-sitting services. Employees will instruct children in activities designed to promote social, physical, and intellectual growth in preparation for primary school. Most day care centers provide breakfast and lunch.

This classification excludes all other types of employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-10 Flight instructions - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, classroom instructors, and administrative employees of establishments engaged in providing classroom instruction to student pilots in flight procedures and techniques. Flight instructors explain various aircraft components and instruments for controlling aircraft during maneuvers, and, using flight simulators, demonstrate procedures such as, but not limited to, take-offs and landings.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel

and grounds keepers and drivers who are to be reported separately in classification 6104 and in-air flight instructors outside the classroom who are to be reported separately in the classification 6803.

Special note: Reporting rules are outlined in the division of worker hours provision in the general rules.

6103-11 Schools: N.O.C. - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to classroom instructors, clerical office, sales personnel and administrative employees such as directors and assistant directors, coordinators, instructors, receptionists, secretaries, counselors, payroll and bookkeeping personnel of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.). Schools include, but are not limited to, dance, modeling, music, driving, cooking, first aid, and schools for coaches. Modeling and dance schools emphasize poise, balance, facial gestures, self-confidence, and counseling in wardrobe and make-up. Music schools emphasize the disciplines of playing various instruments. Driving schools concentrate on the rules, principles, and coordination needed to drive safely, using textbooks, audio-visuals, and driving simulators.

This classification excludes all other types of employees in connection with the specialized school facilities such as, but not limited to, custodians, maintenance personnel and grounds keepers, and instructors who perform activities not as part of a classroom environment who are to be reported separately in classification 6104 and driving instructors outside of the classroom who are to be reported separately in classification 6301.

6103-12 Officials for amateur athletic or cultural events, N.O.C. - clerical office, teachers, N.O.C. and administrative employees

Applies to clerical office employees, administrative employees, and event officials of establishments engaged in providing officials such as, but not limited to, umpires or referees for amateur athletic or cultural events sponsored by schools or communities. Events include, but are not limited to, sports, spelling bees, debates, and musical competitions.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-681 Classification 6104.

~~((Churches~~

~~Day nurseries or child care centers~~

~~Libraries, N.O.C.~~

~~Museums, N.O.C.~~

~~Schools, N.O.C. including dance, modeling, music~~

~~Schools: Academic K-12~~

~~Schools, trade or vocational~~

~~All other employments, N.O.C. including teachers exposed to machinery hazards such as metal and wood shop and driving instructors-))~~

6104-01 Schools: Academic, K-12 - all other employments, N.O.C.

Applies to all other employees of public or private academic schools K-12 (kindergarten level through grade 12). All other in this classification is defined as employees such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers aides who are exposed to machinery hazards such as wood shop, metal shop, print shop, auto shop, and driver instructors.

This classification excludes clerical office, sales personnel and administrative employees such as principals, assistant principals, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-02 Schools: Trade or vocational - all other employments, N.O.C.

Applies to all other employees of trade or vocational schools. All other in this classification is defined as employees such as, but not limited to, cooks, drivers, driving instructors, custodians, maintenance personnel and grounds keepers, and teachers and teachers aides who are exposed to machinery hazards such as, but not limited to, those in wood shop, metal shop, automotive shops, and plumbing or electrical work. Vocational or trade schools provide specialized training and instruction to prepare students for occupations in their chosen field. Often these facilities will coordinate on-the-job training and assist students in finding employment.

This classification excludes clerical office, sales personnel and administrative employees such as deans, directors, assistant directors, receptionists, secretaries, counselors, payroll and bookkeeping personnel and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-03 Libraries, N.O.C. - all other employments, N.O.C.

Applies to all other employees of library facilities which are not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers. Libraries maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-04 Churches - all other employments, N.O.C.

Applies to all other employees of churches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel, grounds keepers, and drivers. Services offered by a church include, but are not limited to, providing a place for members of a religious congregation to meet and worship on a daily or weekly basis,

sermons, rites, counseling, baptisms, weddings, funerals, bible school, day care during church services and events.

This classification excludes clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and instructors who are to be reported separately in classification 6103.

6104-05 Museums, N.O.C - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, packagers, and warehousemen. Museums maintain a wide selection of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes clerical office, sales personnel and administrative employees such as museum directors, assistant museum directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-06 Day nurseries or child day care centers - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, which provide activities to promote social, physical, and intellectual growth in preparation for primary school. All other in this classification is defined as employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers.

This classification excludes clerical office, sales personnel and administrative employees such as principals, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and teachers or teachers' aides who are to be reported separately in classification 6103.

6104-11 Schools: N.O.C - all other employments, N.O.C.

Applies to all other employees of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.) such as, but not limited to, dance, modeling, music, cooking, first aid, and schools for coaches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, and instructors or teachers who perform activities not as part of a classroom environment or who are exposed to machinery hazards.

This classification excludes administrative employees such as directors and assistant directors, coordinators, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and classroom instructors, who are to be reported separately in classification 6103 and driving instructors outside of the classroom who are to be reported separately in classification 6301.

PERMANENT

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-682 Classification 6105.

~~((Hospitals—N.O.C.—including hospital districts~~

~~Hospitals—private proprietary~~

~~Hospitals—religious, charitable or nonprofit~~

~~This classification includes clerical office and sales personnel.))~~

6105-00 Hospitals: Religious, charitable or nonprofit

Applies to establishments engaged in operating religious, charitable, or nonprofit hospitals. These hospitals are usually corporations who are governed by a board and have an additional uncompensated care program to assess medically necessary situations and seek out any available resources to provide coverage. If no resources are available, the hospital usually provides care anyway because their mission includes addressing need and supplying care. Hospitals provide medical or surgical care and treatment for the sick and the injured. A hospital is an organization with six or more beds providing round-the-clock nursing care and access to physician's care, and operating at least a pharmacy, a diagnostic X-ray and laboratory facility, and a surgical service. Most hospitals offer a variety of medical services. General care or community hospitals offer a wide range of short-term treatments for a variety of medical conditions, whereas specialized institutions (such as children's hospitals, maternity hospitals and psychiatric hospitals) usually provide a more limited range of services to a specific class of patients. This classification contemplates all types of hospital employment including, but not limited to, admissions staff, medical staff, pharmacy staff, dietary staff, and laundry, housekeeping, custodial and grounds keeping staff. This classification also includes clerical office and sales personnel.

6105-01 Hospitals: Private proprietary

Applies to establishments engaged in operating private proprietary hospitals. These are for-profit corporations that have a board and investors. All hospitals are required to provide initial emergency care. A proprietary hospital may recommend that an indigent or uninsured person find follow-up care elsewhere. Hospitals provide medical or surgical care and treatment for the sick and the injured. A hospital is an organization with six or more beds providing round-the-clock nursing care and access to physician's care, and operating at least a pharmacy, a diagnostic X-ray and laboratory facility, and a surgical service. Most hospitals offer a variety of medical services. General care or community hospitals offer a wide range of short-term treatments for a variety of medical conditions, whereas specialized institution (such as children's hospitals, maternity hospitals and psychiatric hospitals) usually provide a more limited range of services to a specific class of patients. This classification contemplates all types of hospital employment including, but not limited to, admissions staff, medical staff, pharmacy staff, dietary staff, and laundry, housekeeping, custodial and grounds keeping staff. This classification also includes clerical office and sales personnel.

6105-05 Hospitals: N.O.C. - including hospital districts

Applies to establishments engaged in operating hospitals which are not covered by another classification (N.O.C.) including hospital districts. They are governed by a board of community members. A municipal hospital district operates similar to a charitable hospital; they will not turn away anyone in need of care, but must exercise discretion in allowing write-offs for charity cases. They will also make every effort to obtain available resources for a person before recognizing them as indigent. Hospitals provide medical or surgical care and treatment for the sick and the injured. A hospital is an organization with six or more beds providing round-the-clock nursing care and access to physician's care, and operating at least a pharmacy, a diagnostic X-ray and laboratory facility, and a surgical service. Most hospitals offer a variety of medical services. General care or community hospitals offer a wide range of short-term treatments for a variety of medical conditions, whereas specialized institutions (such as children's hospitals, maternity hospitals, and psychiatric hospitals) usually provide a more limited range of services to a specific class of patients. This classification contemplates all types of hospital employment including but not limited to admissions staff, medical staff, pharmacy staff, dietary staff, and laundry, housekeeping, custodial and grounds keeping staff. This classification also includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-684 Classification 6107.

~~((Veterinary hospitals or clinics~~

~~This classification includes clerical office and sales personnel.))~~

6107-01 Veterinary hospitals or clinics

Applies to establishments of state licensed practitioners engaged in the practice of veterinary medicine, dentistry, or surgery. Veterinarians provide routine checkups, vaccinations, administer drugs and medicines, euthanasia and autopsies; some specialize in areas such as animal dermatology or animal behaviors. Usually veterinary services are performed on an outpatient basis, although animals may be kept on the premises for one or more days for observation or treatment. Veterinarians who specialize in the treatment of larger animals such as cows or horses frequently provide their services off premises rather than in their own facilities. This classification includes clerical office and sales personnel.

This classification excludes animal boarding kennels, animal shelters and/or pet grooming parlors which are to be reported separately in classification 7308.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-685 Classification 6108.

~~((Convalescent or nursing homes~~

~~Homes for the aged~~

~~Rest homes~~

~~This classification includes nursing care for the residents.))~~

6108-00 Convalescent or nursing homes, rest homes, and homes for the aged

Applies to establishments engaged in providing various levels of health care, depending on a patient's needs. Convalescent or nursing homes are state-licensed institutions. The extent of professional or medical services provided ranges from complete medical care for postoperative patients and patients requiring extensive nursing care due to illnesses such as terminal cancer, kidney disorders, and heart disease, to only minimal medical or professional care for other patients. Rest homes provide daily living assistance care to the aged or those with some limits on ability for self-care, but where medical care is not yet a major element. Homes for the aged provide care for people who, due to illness, physical infirmity, or advanced age, are unable to care for themselves and who need nursing and/or health-related care, but do not require the degree of care and treatment that a skilled or intermediate care facility is designed to provide. Patients in homes for the aged, because of their mental or physical condition, require some nursing care, including the administering of medications and treatments, or the supervision of self-administered medications in accordance with a physician's orders. Generally these homes will employ therapists, registered nurses, practical nurses, nurses aides and orderlies to provide the necessary medical care to their patients. The homes also may employ cooks, waitresses, maids, maintenance personnel, social workers and recreational directors, but usually do not employ a resident physician, although they may have arrangements with physicians who are on call for emergencies.

This classification excludes boarding houses which are to be reported separately in classification 6509.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-686 Classification 6109.

~~((Childbirth classes~~

~~Chiropractors, N.O.C.~~

~~Dental clinics, N.O.C.~~

~~Dentists, N.O.C.~~

~~Massage therapy services—This subclassification excludes massage practitioners employed by a health club, gymnasium, saunas or bath house which are to be reported separately in classification 6204~~

~~Medical clinics, N.O.C.~~

~~Midwife services~~

~~Naturopaths, N.O.C.~~

~~Optometrists, N.O.C.~~

~~Physical therapists, N.O.C.~~

~~Physicians and surgeons, N.O.C.~~

~~Psychologists and psychiatrists, N.O.C.~~

~~Radiology and MRI referral clinics~~

~~This classification includes clerical office and sales personnel.)~~

6109-00 Physicians and surgeons, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the practice of general or specialized medicine and sur-

gery. Physicians diagnose and treat a variety of diseases and injuries, order or execute various tests, analyses, and diagnostic images to provide information on a patient's condition, analyze reports and findings of tests and of examination, diagnose conditions, and administer or prescribe treatments and drugs. Physicians may also inoculate and vaccinate patients to immunize them from communicable diseases, or refer patients to a medical specialist or other practitioners for specialized treatment. They may also make house and emergency calls to attend to patients unable to visit the office. Surgeons examine patients to verify necessity of surgery, review reports of patient's general physical condition and medical history, reactions to medications, estimate possible risk to patient, and determine best operational procedure. Surgeons may specialize in a particular type of surgery. This classification includes licensed ophthalmologists who specialize in the diagnosis and treatment of diseases and injuries of the eyes, and examine patients for symptoms indicative of organic or congenital ocular disorders. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the physician's or surgeon's office, such as laboratory or X-ray technicians, and nurses.

This classification excludes medical clinics, N.O.C., which are to be reported separately in classification 6109-06; psychologists and psychiatrists who are to be reported separately in classification 6109-10; and optometrists who are to be reported separately in classification 6109-09.

6109-01 Dentists, N.O.C.

Applies to establishments of licensed practitioners who are engaged in the practice of general or specialized dentistry and who are not covered by another classification (N.O.C.). Services provided by dental offices include, but are not limited to, examination of teeth and gums to determine condition, diagnosis of disease, injuries, or malformation, extractions, fillings, root canals, oral surgery, tooth replacement, cleaning, instruction on oral and dental hygiene and preventive care. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the dentist's office such as hygienists, and dental assistants or technicians.

This classification excludes dental clinics, N.O.C., which are to be reported separately in classification 6109-07.

6109-02 Chiropractors, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the practice of chiropractic medicine. Chiropractors diagnose and treat musculoskeletal conditions of the spinal column and extremities to prevent disease and correct abnormalities of the body believed to be caused by interference with the nervous system. They manipulate the spinal column and other extremities to adjust, align, or correct abnormalities caused by neurologic and kinetic articular dysfunction. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the chiropractor's office.

6109-04 Naturopaths, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who diagnose, treat,

and care for patients, using a system of practice that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body, relying on natural remedies such as, but not limited to, acupuncture, sunlight supplemented with diet, and naturopathic corrections and manipulations to treat the sick. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the naturopath's office.

6109-06 Medical clinics, N.O.C.

Applies to establishments operating as clinics of medical providers not covered by another classification (N.O.C.) who provide services in a typical doctor's office environment. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the medical clinic.

This classification excludes radiology and MRI referral clinics which are to be reported separately in classification 6109-17; orthotic referral clinics which are to be reported separately in classification 6109-14; and nutrition, diet or weight loss clinics which are to be reported separately in classification 6109-12.

6109-07 Dental clinics, N.O.C.

Applies to establishments engaged in the operation of dental clinics not covered by another classification (N.O.C.) who provide the full range of dental services. Services provided by dental clinics include, but are not limited to, examination of teeth and gums to determine condition, diagnosis of disease, injuries, or malformation, extractions, fillings, root canals, oral surgery, tooth replacement, cleaning, instruction on oral and dental hygiene and preventative care. This classification includes clerical office and sales personnel, and all employees engaged in dental services.

This classification excludes dentists who do not operate as part of a dental clinic who are to be reported separately in classification 6109-01.

6109-08 Physical therapists, N.O.C.

Applies to establishments of health practitioners not covered by another classification (N.O.C.) who are engaged in the practice of physical therapy, occupational therapy, respiratory therapy, or speech therapy. Therapists treat and rehabilitate people with physical or mental disabilities or disorders, to develop or restore functions, prevent loss of physical capacities, and maintain optimum performance. Includes occupations utilizing means such as exercise, massage, heat, light, water, electricity, and specific therapeutic apparatus, usually as prescribed by a physician; or participation in medically oriented rehabilitative programs, including educational, occupational, and recreational activities. *Physical therapists* plan and administer medically prescribed physical therapy treatment for patients suffering from injuries, or muscle, nerve, joint and bone diseases, to restore function, relieve pain, and prevent disability. *Occupational therapists* plan, organize, and conduct occupational therapy programs to facilitate development and rehabilitation of the mentally, physically, or emotionally handicapped. *Respiratory therapists* administer respiratory therapy care and life support to patients with deficiencies and abnormalities of the cardiopulmonary system, under the supervision of physicians and by

prescription. *Speech therapists* specialize in diagnosis and treatment of speech and language problems, and engage in scientific study of human communication. This classification includes clerical office and sales personnel, as well as other employees engaged in therapy services and also includes travel to health facilities or other locations to administer therapy services.

6109-09 Optometrists, N.O.C.

Applies to establishments of optometrists not covered by another classification (N.O.C.). Optometrists are licensed practitioners, but do not hold a medical degree. An optometrist in general practice examines patients' eyes to determine the nature and degree of vision problems or eye diseases and prescribes corrective lenses or procedures, performs various tests to determine visual acuity and perception and to diagnose diseases and other abnormalities, such as glaucoma and color blindness. An optometrist may specialize in the type of services provided, such as contact lenses, low vision aids, or vision therapy, or in the treatment of specific groups such as children or elderly patients. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the optometrist's office.

This classification excludes optometrists employed by optical goods stores who are to be reported separately in classification 6308, and ophthalmologists who are to be reported separately in classification 6109-00.

6109-10 Psychologists and psychiatrists, N.O.C.

Applies to establishments of licensed practitioners not covered by another classification (N.O.C.) who are engaged in the diagnoses and treatment of patients with mental, emotional, or behavioral disorders. *Psychologists* are licensed practitioners who diagnose or evaluate mental and emotional disorders of individuals and administer programs of treatment. They interview patients in clinics, hospitals, prisons, and other institutions, and study medical and social case histories. *Psychiatrists* are licensed practitioners who diagnose and treat patients with mental, emotional, and behavioral disorders. They organize data obtained from the patient, relatives, and other sources, concerning the patient's family, medical history, and the onset of symptoms, and determine the nature and extent of mental disorder and formulate a treatment program utilizing a variety of psychotherapeutic methods and medications. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the doctor's office.

6109-12 Nutrition, diet, or weight loss clinics, N.O.C.

Applies to establishments engaged as nutrition, diet, or weight loss clinics not covered by another classification (N.O.C.) which provide programs whereby clients may achieve a healthy and permanent weight loss. The programs vary in approaches but most are based on the behavior modification theory, utilizing private counseling or group support meetings and seminars to educate individuals about their eating habits and proper eating patterns. Some programs may sell vitamin supplements or a line of food products to be used by their clients and may publish newsletters or other forms of literature for the benefit of their clients. This classification includes clerical office and sales personnel.

This classification excludes exercise programs which are to be reported separately in the appropriate classification.

6109-13 Childbirth classes

Applies to establishments providing childbirth education for expectant parents. Topics include, but are not limited to, expectations during pregnancy, breathing and relaxing techniques, and massage therapy. Literature and/or movies may be provided in addition to oral instruction. This classification includes clerical office and sales personnel.

6109-14 Orthotic referral clinics

Applies to establishments operating as clinics to provide care to patients with disabling conditions of the limbs and spine by fitting and preparing orthopedic braces under the direction of and in consultation with physicians. Orthotists examine and evaluate the patient's needs in relation to disease and functional loss, and assist in the design of an orthopedic brace. Orthotist select materials, makes cast measurements, model modifications and layouts. When the brace is finished, they evaluate it on the patient, make adjustments to ensure correct fit, and instruct the patient in the use of the orthopedic brace. This classification also includes clinics of prosthetists who provides care to patients with partial or total absence of a limb by planning fabrication of, writing specifications for, and fitting the prosthesis under the guidance of and in consultation with a physician. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the referral clinics.

This classification excludes the manufacture of orthopedic braces, splints or prostheses which is to be reported separately in the applicable classification.

6109-15 Midwife services

Applies to establishments engaged in the practice of midwifery. Midwives provide care for women undergoing medically uncomplicated pregnancy and low risk labor and delivery. The delivery may take place in a clinic setting or in the expectant mother's home. This classification includes clerical office and sales personnel.

6109-16 Licensed massage therapy services

Applies to establishments of licensed practitioners who are engaged in the practice of massage therapy. Some massage therapists work in conjunction with physicians or sports teams, or at hospitals, rehabilitation facilities or convalescent homes. If a client is referred by a physician, the therapist will review the medical report and in conjunction with the client, will determine the nature of the massage (whether it is for relaxation or to correct or relieve a medical problem) and the modality to be used, such as deep-muscle work, trigger-point therapy, or joint rotation. This classification includes clerical office and sales personnel as well as other employees engaged in licensed massage therapy services.

This classification excludes massage therapists employed by a health club, gymnasium, and unlicensed massage therapists employed by a sauna, or bath house who are to be reported separately in classification 6204.

6109-17 Radiology and MRI referral clinics

Applies to establishments of licensed practitioners who are engaged in the practice of radiology and/or magnetic res-

onance imaging. Radiologists diagnose and treat diseases of the human body using X-ray and radioactive substances. They examine the internal structures and functions of the organ systems and make diagnoses after correlating the X-ray findings with other examinations and tests. They administer radiopaque substances by injection, orally, or as enemas, to render internal structures and organs visible on X-ray films or fluoroscopic screens. Radiologists may employ magnetic resonance imaging technologists to operate magnetic resonance imaging equipment which produces cross-sectional images (photographs) of a patient's body for diagnostic purposes. This classification includes clerical office and sales personnel, as well as other employees engaged in service in the clinics, such as nurses or technologists.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-68601 Classification 6110.

((Home health services and nursing care, N.O.C.))

6110-00 Home health services and nursing care, N.O.C.

Applies to establishments engaged in providing skilled and semi-skilled nursing and home health care services to individuals who do not need the continuous care and supervision that hospitals and nursing facilities can provide. Patients frequently are referred to home health agencies by physicians, hospital discharge planners or other medical professionals. Typically, a home health care provider will come to the patient's home to assess the individual's situation, recommend a plan of treatment and coordinate the plan. A nurse may function as the "case manager" for the patient and will coordinate the case plan. Usually a physician must authorize the plan of treatment for home care services. The services offered will vary according to each client's needs and can range from personal care for the patients such as bathing and grooming, cooking, housecleaning; to laboratory services; to skilled nursing services. Home health services may offer therapy services such as physical, occupational, speech, and respiratory. Care may be intermittent or long-term. This classification includes home health nursing visits or care made on a private-duty basis.

This classification excludes home health care social workers and dietitians with no cooking duties who may be reported separately in classification 6303 provided all the conditions of the general reporting rules covering standard exception employees have been met; private households which employ workers who serve on or about the premises in occupations usually considered as domestic service which are to be reported separately in classification 6510; and establishments engaged in providing chore workers/home care assistants to private individuals who are to be reported separately in classification 6511.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-687 Classification 6201.

((Crematoriums
Funeral directors—mortuaries

This classification excludes cemetery operations which are to be reported separately in classification 6202.-)

6201-00 Mortuaries, funeral homes, crematoriums

Applies to establishments engaged in all operations of a mortuary, funeral home or crematorium. Funeral homes generally provide a complete burial service which includes, but is not limited to, preparing the deceased for cremation or burial (this could include beautician services), providing the casket and burial plot, conducting the funeral service, providing transportation for family of the deceased, and providing flowers. Employments in this classification include drivers, organists, singers and other musicians, embalmers, and crematory employees if they are employed by the funeral home.

This classification excludes cemetery operations which are to be reported separately in classification 6202.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-688 Classification 6202.

((Cemeteries:-)

6202-00 Cemeteries

Applies to establishments engaged in providing cemetery and funeral services at one location. Cemeteries are communal burial places and range in size from small churchyards to private facilities with hundreds of acres of land. Cemeteries sell burial plots, excavate graves, prepare grave sites for interment, carry out interment services and maintain the cemetery grounds. Grounds work includes, but is not limited to, maintaining markers, and the usual maintenance work on lawns, roadways, trees, hedges and flowers. Maintenance personnel also set up tents, chairs and other burial service equipment. A grave burial involves placing caskets in the ground within a burial vault; a lawn crypt burial involves placing the casket in a pre-fabricated, pre-placed crypt. A burial vault is a cement structure used to line graves and prevent settling. Crypts can be placed in the ground, above the ground or within private and public mausoleums. A niche houses urns which contain the cremated remains of decedents. Cemeteries may provide funeral services at the cemetery, operate a chapel, and/or offer cremation services, all of which are included in this classification when conducted in connection with a cemetery operation. This classification includes pet cemeteries.

This classification excludes establishments engaged as mortuaries, funeral homes, or crematoriums which are to be reported separately in classification 6201.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-689 Classification 6203.

((Boys or girls clubs

YMCA/YWCA institutions

This classification includes clerical office and sales personnel and excludes camp operations:-)

6203-00 YMCA/YWCA institutions

Applies to establishments engaged in the operation of a Young Men or Young Women's Christian or Hebrew Associ-

ations. These are international community service organizations which generally respond to the needs of their communities. Typical operations include, but are not limited to, providing temporary residential facilities, swimming and exercise facilities, basketball courts, aerobic and fitness classes, child care, youth sports programs, social and educational programs, and day camp operations. Some facilities will provide a food and beverage service. This classification includes clerical office and sales personnel.

This classification excludes camp operations which are to be reported separately in classification 6209.

6203-01 Boys or girls clubs

Applies to establishments engaged in operating boys or girls clubs. These clubs are nonprofit organizations which provide recreation, cultural enrichment, health and physical education, and personal adjustment services for boys and girls from 6 to 18 years of age. These facilities differ from location to location, but many offer gymnasiums, organized sports programs, day camp operations, game rooms, library or computer rooms, classes and various other supervised activities where young people can spend time. Some facilities also have swimming pools and offer meal programs. This classification includes Girl & Boy Scout councils that provide counseling to local scout troops, and clerical office and sales personnel.

This classification excludes camp operations which are to be reported separately in classification 6209.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-690 Classification 6204.

((Baths or saunas, N.O.C.

Exercise or health institutes

Gymnasiums

Health clubs:-)

6204-00 Baths or saunas, N.O.C.

Applies to establishments engaged in operating baths or saunas not covered by another classification (N.O.C.). These facilities offer a variety of services such as, but not limited to, hot tubs, saunas, steam rooms, Jacuzzis, sun tan beds and body shampoos. Massage therapy services are included in this classification when performed by employees of employers subject to this classification. This classification excludes licensed massage therapists that qualify for classification 6109.

Special note: The distinction between massage therapists covered in this classification and massage therapists covered in classification 6109 is professional licensing.

6204-04 Exercise or health institutes, gymnasiums, health clubs

Applies to establishments engaged in operating exercise or health institutes, gymnasiums, or health clubs. These establishments accommodate a variety of exercise areas including, but not limited to, gymnasiums, swimming pools, racquetball, tennis, squash, and handball courts, jogging tracks, and weight rooms with nautilus equipment. Operations vary from location to location, but most offer facilities

and services such as, but not limited to, locker rooms, showers, whirlpools, saunas, sun tanning booths, body toning equipment, aerobic, gymnastic, and martial arts classes, instruction or training in achieving physical fitness goals, nutrition counseling, towel service, child care, massages, pro shops and food and beverage services all of which are included when performed or conducted by employees of employers subject to this classification.

This classification excludes licensed massage therapists that qualify for classification 6109.

Special note: The distinction between massage therapists covered in this classification and massage therapists covered in classification 6109 is professional licensing.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-691 Classification 6205.

~~((Clubs, N.O.C. such as but not limited to fraternal, home owners or social organizations~~

~~This classification includes food and beverage operations.))~~

6205-00 Clubs, N.O.C.

Applies to establishments engaged in operating clubs not covered by another classification (N.O.C.). Types of clubs contemplated by this classification include, but are not limited to, fraternal, special interest, or social clubs and clubs whose interests revolve around sports activities such as golf, tennis, boating, skiing, fishing, and swimming. The facilities and services offered vary depending on the type and size of the club. Even in an organization that has several locations, the facilities may vary greatly from a simple bar and snack food operation to a large restaurant with dancing areas, gymnasiums, and saunas. These types of clubs charge membership fees and dues as opposed to clubs or halls in classification 6607 which are open to the public. This classification includes all food and beverage operations.

This classification excludes YMCAs and boys/girls clubs which are to be reported separately in classification 6203; health clubs and gymnasiums which are to be reported separately in classification 6204; golf courses which are to be reported separately in classification 6206; and community and social centers which are to be reported separately in classification 6607.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-692 Classification 6206.

~~((Golf courses, N.O.C., excluding miniature golf and driving ranges which are to be reported separately in classification 6208 unless they are conducted in connection with operations subject to this classification.))~~

6206-06 Golf courses, N.O.C.

Applies to establishments engaged in operating public or private golf courses. Pro shops, miniature golf courses, and driving ranges operated in connection with the golf course are included in this classification. Typical operations of a pro shop include, but are not limited to, selling golf clubs, golf balls, specialty clothing, and related golfing items, renting

carts, arranging tee times, and collecting green fees. Also included in this classification are snack bars operated at the golf course when limited to the same hours as the golf course is open. Typical employees include golf pros, greens keepers, caddies, and snack bar employees.

This classification excludes establishments operating miniature golf courses and driving ranges which are to be reported separately in classification 6208 and "bona fide" restaurant operations which may be reported separately in classification 3905. For purposes of this classification a "bona fide" restaurant at a golf course is operated independent of the course and is open to the public even when the golf course is closed.

Special note: A pro shop operated by an independent concessionaire may qualify for classification 6309, provided the pro shop does not operate the course, collect green fees, or perform other functions of managing a golf course.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-693 Classification 6207.

~~((Carnivals: Amusement rides and concessions, traveling. This classification includes drivers and all employees engaged in the set up and tear down of all mechanical and nonmechanical rides, concession booths, or stands (i.e., game, food, souvenir, etc.), mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival. Report carnival operations (such as ride operators, ticket takers, etc.) separately in classification 6208 "carnival operations." Report winter quartering and permanent yard or shop operations separately in classification 5206 "contractors permanent yard.")~~

6207-00 Carnivals - traveling

Applies to those employees of an employer engaged in operating traveling carnivals, who are drivers and/or engaged in the set up and/or tear down of mechanical and nonmechanical amusement rides, and any temporary structure associated with a traveling carnival such as, but not limited to, game, food, or souvenir concession booths, mobile offices, aid rooms or ticket booths.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; clerical employees who travel with the carnival or with ride operators and who work out of a mobile office, ride operators, game attendants, ticket sellers/takers and personnel involved in the care, custody, and maintenance of carnival facilities who are to be reported separately in classification 6208; establishments engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met.

6207-01 Circuses - traveling

Applies to establishments engaged in operating a traveling circus. Work contemplated by this classification includes all preparations, operations and maintenance normally performed by employees of an employer having operations subject to this classification. Employments include, but are not limited to, drivers, trainers, performers, ticket sellers/takers, clerical staff who travel with the circus, set up/tear down of mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths and all other temporary structures associated with a traveling circus.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met.

Special note: Classifications 6208 and 5206 do not apply to circus operations.

6207-02 Amusement rides - traveling

Applies to establishments engaged in operating mechanical or nonmechanical amusement rides. Employments contemplated by this classification include, but are not limited to, drivers and all employees engaged in the set up and tear down, operation, and maintenance of mechanical and nonmechanical rides and all other temporary structures associated with the amusement rides.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; clerical employees who travel with the amusement operations and work out of a mobile office, ride operators, attendants, ticket sellers/takers, and personnel involved in the care, custody, and maintenance of amusement facilities who may be reported separately in classification 6208; employers engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met.

6207-03 Rodeos

Applies to establishments engaged in the production of rodeos. Employments contemplated by this classification include all operations normally performed by employees of an employer having operations subject to this classification

such as, but not limited to, drivers and all arena employees, setting up/tearing down temporary enclosures/structures/bleachers, clowns, gate openers, animal handlers, ticket sellers/takers, first aid staff, and clerical staff who travel with the rodeo.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; and stock handlers who contract with a rodeo producer to supply horses, bulls, or other rodeo animals, who are to be reported separately in classification 7302.

Special note: Classifications 6208 and 5206 do not apply to rodeos.

6207-04 Fireworks exhibition

Applies to establishments engaged in producing pyrotechnic exhibitions. This classification includes purchasing ready made fireworks, setting up displays, timing fuses, lighting the fireworks, and cleaning up.

This classification excludes establishments engaged in the manufacture of fireworks which are to be reported separately in classification 4601.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-694 Classification 6208.

((Amusement parks

Carnival operations, N.O.C.

Caves or caverns operation for exhibition purposes—including rides, ticket sellers, gate attendants

Concessions—boats in parks

Fairs

Family indoor sports and entertainment centers

Kiddie rides—permanent locations

Miniature golf courses

Race tracks, excluding parimutuel clerks and cashiers with no other duties which are to be reported separately in classification 4904 "clerical office, N.O.C."

Ranges—archery, ball, dart, golf

Shooting galleries, air rifle—no firearms

Shooting ranges—firearms

Shows—animal

Shows—flower, art

This classification includes food and beverage operations and care, custody and maintenance of the above facilities.))

6208-00 Amusement parks; exhibition caves or caverns

Applies to establishments engaged in providing amusement parks to the public or in the operation of cave or caverns for exhibition purposes. Establishments subject to this classification are located on a permanent site and usually offer a variety of activities such as, but not limited to, amusement rides, water slides, miniature golf, and games such as tossing rings, throwing balls, and shooting air rifles. There may be one or more separate arcade areas located within the park. This classification includes rides, ticket sellers, gate attendants, food and beverage operations, care, custody and main-

tenance of the above facilities and operations similar to a traveling carnival.

This classification excludes set up, tear down and delivery of amusement park rides, games and food booths which are to be reported separately in classification 6207.

6208-01 Ranges: Archery, ball, dart, golf, firearms shooting

Applies to establishments engaged in operating indoor or outdoor archery, ball, dart, golf, and firearms shooting ranges. Golf driving ranges subject to this classification are operated separately from a golf course. If the driving range is operated in conjunction with a golf course, then the entire establishment is to be reported separately in classification 6206. Ball ranges (batting cages) are establishments set up to provide batting practice. Archery ranges are permanent establishments that provide targets for practice. If these operations are conducted in conjunction with an amusement park, then the entire operation is to be reported separately in classification 6208-00. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses which are to be reported separately in classification 6208-07, and ranges that use air rifles which are to be reported separately in classification 6208-10.

6208-03 Boat rental facilities

Applies to establishments engaged in renting row boats, paddle boats, rubber rafts or similar water craft for recreational purposes when the water is part of a park. This classification includes the operation of bumper boat amusement rides if that is the sole function of the establishment. If the bumper boats are operated as part of an amusement park, the entire establishment is to be reported separately in classification 6208-00. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

6208-04 Fairs

Applies to establishments or community organizations engaged in managing, sponsoring and conducting fairs. These are usually annual events sponsored by a town or community. Many of the exhibitors and concessionaires are independent businesses that rent space at the fair site. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

6208-05 Shows - animal

Applies to establishments engaged in managing, sponsoring and conducting animal shows such as pet or livestock exhibitions. Employments contemplated by this classification include, but are not limited to, ticket sellers, judges, security personnel, and the showing of the animals in the arena when performed by employees of employers subject to this classification. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes all raising or care of animals which are to be reported separately in the applicable classification.

6208-06 Shows - flower, art

Applies to establishments engaged in managing and conducting art or flower shows. The sponsors are usually responsible for the set up and tear down of the exhibition. The exhibitors and concessionaires are usually independent booth renters. Work contemplated by this classification includes, but is not limited to, coordinating exhibitors, arranging for a facility and utilities, permits or related needs, helping set up/tear down booths, judging, and security personnel. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

6208-07 Miniature golf courses

Applies to establishments engaged in the operation of miniature golf courses. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes miniature golf courses operated in conjunction with an amusement park which are to be reported separately in classification 6208-00.

6208-08 Kiddie rides at permanent locations

Applies to establishments engaged in operating kiddie rides at a permanent location. Ride attendants duties include, but are not limited to, selling tickets, directing patrons getting on and off the rides, keeping order among the patrons waiting to ride, and making sure all belts and safety devices are in the proper place and functioning. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

6208-09 Race tracks

Applies to establishments engaged in the operation of race tracks such as, but not limited to, stock car, go cart, motorcycle, horse, and drag racing tracks. Employments contemplated by this classification include, but are not limited to, selling tickets, booking events, coordinating participants, and security. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes parimutuel clerks at a horse racing track and cashiers with no other duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; and the handling of horses or vehicles which is to be reported separately in the classification applicable to the work being performed.

6208-10 Shooting galleries for air rifles only; Laser tag, war games, paint ball facilities

Applies to establishments engaged in operating shooting galleries for air rifles only. If the air rifle shooting gallery is operated in conjunction with an amusement park, the entire operation is to be reported separately in classification 6208-00. This classification also applies to laser tag, war games, and paint ball facilities. This classification includes food and beverage operations and care, custody and maintenance of the above facilities.

This classification excludes operations involving any firearms such as, but not limited to, pistol or rifle ranges, which are to be reported separately in classification 6208-01.

6208-11 Carnival operations, N.O.C.

Applies to those employees of an employer engaged in operating carnivals who are not covered by another classification (N.O.C.). These employees are generally employed as ride operators, game attendants, ticket sellers/takers, and traveling clerical workers. This classification includes operations care, custody and maintenance of the above facilities.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; employees engaged in driving and/or set up and tear down of all mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths, and all other temporary structures associated with a traveling carnival who are to be reported separately in classification 6207; employees of carnival operations assigned to work in food booths who are to be reported separately in classification 3905; and employees of carnival operations assigned to work in souvenir or gift shops who may be reported separately in classification 6406 provided they have no other duties.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-675 have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-695 Classification 6209.

~~((Camp grounds such as but not limited to church, recreational, or educational including incidental cottage or cabin rentals, boat concessions, grocery stores, and penny or video arcades~~

~~Dude ranches—excluding cattle ranches~~

~~Swimming pools—public~~

~~This classification includes food and beverage operations; and clerical office and sales personnel physically located at the above facilities.))~~

6209-03 Dude ranch resorts

Applies to establishments engaged in operating a dude ranch resort where vacationers experience the western style of life on a ranch. Activities include, but are not limited to, horseback riding, grooming the ranch animals, hay rides, swimming, ranch style meals, and nightly singing round the campfire. Operations include, but are not limited to, grooming and caring for animals, assisting with horseback riding, preparing ranch style meals and performing maintenance work on the ranch. This classification includes food and beverage operations and clerical office and sales personnel physically located at the resort.

This classification excludes cattle ranches which are to be reported separately in classification 7302.

6209-06 Swimming pools - public; Scuba diving instruction in pool

Applies to establishments engaged in the operation and maintenance of public swimming pools. Work contemplated by this classification includes, but is not limited to, testing and replenishing chemicals in the pool, cleaning the pool, providing lifeguards, providing swimming lessons to the public, food and beverage operations, and clerical office and sales personnel physically located at the above facilities. This classification includes the rental or sale of pool accessories such as paddle boards, fins and swim wear when performed in connection with a swimming pool facility by employees of employers subject to this classification. This classification also applies to scuba diving instructors providing lessons in a swimming pool even though they may not be employed by the swimming pool establishment.

This classification excludes scuba diving not performed in a swimming pool environment which is to be reported separately in classification 0202 and swimming clubs which are to be reported separately in classification 6205.

6209-09 Campgrounds

Applies to establishments engaged in operating public or private campgrounds. Campgrounds offer a variety of facilities and activities for families, groups, and individuals to camp overnight in recreational vehicles or tents. Typical campgrounds have a main office building for registration and information. Many have retail stores that sell groceries, souvenirs, camping equipment, fishing gear, and supplies, and/or snack bars, restaurants, game rooms, rental operations for recreational equipment, shower facilities, and laundries, which are all included in this classification. Campground activities include, but are not limited to, swimming (in a pool or lake), fishing, boating, hiking, archery, arts and crafts, miniature golf, shuffleboard and other games. Typical occupations include, but are not limited to, counselors, cooks, ground and maintenance personnel, nurses, housekeepers, security guards, lifeguards, store clerks and game attendants. This classification includes clerical office and sales personnel physically located at the above facilities.

This classification excludes day camp operations that do not include overnight accommodations which are to be reported separately in the applicable classification and state park campgrounds which are to be reported separately in the applicable state agency classifications.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-696 Classification 6301.

~~((Automobile sales personnel~~

~~Camper sales personnel~~

~~Driving school instructors~~

~~Motorecycle sales personnel~~

~~Pleasurecraft sales personnel—no aircraft~~

~~Trailer or mobile home sales personnel~~

~~Truck sales personnel.))~~

6301-00 Sales personnel: Vehicles and marine pleasure craft

Applies to sales employees of establishments engaged in selling and/or leasing new and/or used automobiles, trucks, campers, recreational vehicles, mobile homes, motorcycles or other all-terrain vehicles, or boats and other marine pleasure craft and who are not covered by another classification assigned to the employer's account. Duties contemplated by this classification are limited to sales training, test driving, showing and demonstrating vehicles, completing paper work, and arranging for delivery of purchased vehicles.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

6301-06 Instructors of driving schools

Applies to instructors of driving schools. Instructors duties include, but are not limited to, demonstrating driving techniques, and observing student drivers.

This classification excludes administrative staff and classroom instructors of driving schools who are to be reported separately in classification 6103; vehicle repair or maintenance staff who are to be reported separately in classification 3411; and high school driving instructors who are to be reported separately in classification 6104.

6301-07 Limousine drivers

Applies to drivers of establishments engaged in providing limousine services to others. Limousine services provide luxury transportation for special occasions such as, but not limited to, birthday parties, weddings, dances, sporting events, concerts, and corporate business functions. Clients usually travel in groups from two to ten. Drivers are professionally trained chauffeurs; they generally provide services by appointment from specific locations to set destinations, and often wait with the vehicle while clients attend events. Depending on the occasion, the limousine service may also provide beverages, snacks, balloons, or flowers. Since the service is intended for luxury as opposed to meeting deadlines, the hazards of driving differ from most other professional drivers.

This classification excludes employees who repair and/or service the company's limousines who are to be reported separately in classification 3411.

Special note: Clerical office employees may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-697 Classification 6302.

~~((Book sales personnel
Coffee, tea, grocery sales personnel
Cosmetics sales personnel
Door-to-door sales personnel, N.O.C.
Household furnishings sales personnel
Magazine sales personnel~~

~~Vacuum cleaner sales personnel~~

~~Wearing apparel sales personnel~~

~~This classification is for door-to-door sales personnel.))~~

6302-00 Sales personnel: Door to door

Applies to sales personnel engaged in door-to-door sales of merchandise. Types of merchandise include, but are not limited to, coffee, tea, or other grocery items, mops, brushes, carpets or other household furnishings, vacuum cleaners, books, and magazines. Duties contemplated by this classification are limited to showing samples or brochures describing items for sale, completing paperwork for orders, and driving. Sales persons take orders and have the products shipped directly from a distributor to the consumer.

This classification excludes sales employees who deliver the sold products or who sell directly from stock kept in their vehicle who are to be reported separately in classification 1101.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-698 Classification 6303.

~~((Collectors, messengers, counsellors, N.O.C.~~

~~Farm machinery sales personnel—outside~~

~~Insurance sales personnel and claims adjustors—outside~~

~~Machinery sales personnel—outside—construction, mining, heavy equipment~~

~~Sales personnel, N.O.C.—outside.))~~

6303-00 Outside sales personnel, N.O.C.; messengers

Applies to those employees whose job duties and work environment meet all the conditions of the general reporting rules covering outside sales personnel, and who are not covered by another classification (N.O.C.) assigned to the employer's account. Duties of outside sales personnel contemplated by this classification are limited to soliciting new customers by telephone or in person, showing, selling, and explaining products or services, servicing existing accounts, completing correspondence, placing orders, performing public relations duties, and estimating. Duties of messengers are limited to delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business.

This classification excludes the delivery of products or merchandise or the stocking of shelves which is to be reported separately as applicable; the demonstration or delivery of machinery or equipment which are to be reported separately as applicable, establishments engaged as collection agencies or public relations agencies which are to be reported separately in classification 5301; establishments engaged in providing inspection and valuations exclusively for insurance companies which are to be reported separately in classification 4903.

Special note: When considering this classification care must be taken to look beyond titles of employees. Employees with occupational titles such as, but not limited to, collectors,

counselors, consultants, or appraisers may or may not qualify for this classification. This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

6303-03 Insurance sales personnel and claims adjusters

Applies to insurance sales personnel and claims adjusters with outside duties. Duties of employees subject to this classification are limited to selling insurance policies at their place of business or at the client's home, or going to the scene of an accident or catastrophe to assess damage. Work may be performed within an office or away from the employer's premises.

Special note: This is a restrictive classification and is not to be assigned unless all the conditions of the general reporting rule covering standard exception employees have been met.

6303-21 Home health care services: Social workers and dietitians

Applies to social workers and dietitians employed by home health care service establishments who provide care for handicapped individuals. Duties of these employees include teaching and assisting physically or developmentally disabled individuals in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor. This classification also includes dietitians, sometimes called nutritionists, who usually are referred to patients by their physicians. The dietitian assesses the patient's current nutritional status, including current food intake, medical background, family history, currently prescribed medications, and social and psychological needs, then develops a food plan to meet the patient's needs. Employees subject to this classification do no cooking.

This classification excludes nursing and home health care services which are to be reported separately in classification 6110; therapy services which are to be reported separately in classification 6109; domestic servants who are to be reported separately in classification 6510; and chore workers who are to be reported separately in classification 6511.

Special note: This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met. This classification is not to be assigned to any account that does not also have classification 6110.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-699 Classification 6304.

((Antique variety stores—retail

For purposes of this rule the term "antique variety stores" shall apply to retail establishment engaged in selling a variety of used merchandise or reproduction merchandise such as but not limited to furniture, glassware, wearing apparel, silverware, pictures, tools and jewelry. Antique specialty stores that are engaged exclusively in the sale of furniture and related home furnishings are to be reported separately in classification 6306 "furniture

stores." Antique specialty stores engaged exclusively in the sale of glassware, china, or silverware are to be reported separately in classification 6406 "retail stores, N.O.C." Antique specialty stores engaged exclusively in the sale of wearing apparel and shoes are to be reported separately in classification 6305 "clothing stores—retail"

Department stores—retail

For purposes of this rule the term "department stores" shall apply only to retail establishments whose inventoried products available for sale to the public include all of the following merchandise: Wearing apparel; linens; home furnishings (other than furniture); and two or more of the following product lines: Cosmetics; shoes; furniture; jewelry; sporting goods; luggage; toys; books; videos; compact discs or cassette music; greeting cards; portrait studios; candy; camera; stereo; television; small appliances; and collectibles. This classification applies to larger retail stores which are characterized by many separate departments each selling a specific type of merchandise. This classification includes employees of specialty departments such as alterations personnel, installation of home furnishings such as furniture, draperies, blinds, mirrors, closet organizers and pictures and delivery drivers, but excludes installation of carpeting, floor vinyl, tile, exterior siding, painting, cabinet installation, fencing, roofing or similar construction related activities and automotive service centers.))

6304-00 Stores: Department - retail

Applies to establishments engaged in operating large retail stores which are characterized by specialized departments such as, but not limited to, wearing apparel, jewelry, luggage, housewares, cosmetics and furniture. For purposes of this classification, a department store will include all of the following departments: Wearing apparel, shoes and household furnishings (such as, but not limited to, window coverings, bedding, linens, lamps). A department store will also have at least two of the following departments: Furniture, jewelry, audio equipment, luggage, hardware, giftware, china, or sporting goods. This classification includes employees of specialty services such as alteration personnel, and delivery drivers. This classification is distinguishable from clothing stores in classification 6305, or retail variety stores in classification 6406, in the number of specialized departments and the variety of nonclothing or giftware merchandise for sale. This classification also includes the placement or installation of furniture items such as, but not limited to, couches, china cabinets, end tables, dining tables, bedding such as mattresses and box springs, curtains, draperies, and mirrors in customer's locations.

This classification excludes automotive service centers which are to be reported separately in the applicable service classification and the installation of carpet, floor vinyl, tile, cabinets, exterior siding, painting, fencing, roofing or similar construction related activities which are to be reported separately in the classification applicable to the construction work being performed.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6304-01 Antique variety stores - retail

Applies to establishments engaged in the retail sale of a variety of used or antique merchandise. While the majority of merchandise is used, some of the items may be new. Merchandise includes, but is not limited to, glassware, jewelry, clothing, pictures, tools, floor coverings, and silverware and could include a limited amount of furniture.

This classification excludes antique or specialty stores engaged primarily in the sale of furniture which are to be reported separately in classification 6306; antique specialty stores engaged primarily in the sale of glassware, china or silverware which are to be reported separately in classification 6406; and antique specialty stores engaged primarily in the sale of wearing apparel and/or shoes which are to be reported separately in classification 6305.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-700 Classification 6305.

((Clothing stores—retail

Concessions: Hat and coat checking

Custom dressmaking and tailoring including alterations

Shoe stores—retail-))

6305-00 Stores: Clothing - retail

Applies to establishments engaged in the retail sale of new or used clothing. Merchandise varies, but generally includes shoes, jewelry, giftware, or accessories in addition to wearing apparel. Some establishments will specialize in certain types of clothing such as, but not limited to, athletic wear, T-shirts, coats, socks, or vintage clothing. This classification also applies to stores that rent clothing such as, but not limited to, costumes, tuxedos, or wedding apparel. This classification includes all store employees including specialty services such as alterations personnel and delivery drivers.

This classification is distinguishable from department stores in classification 6304 or retail variety stores in classification 6406 in the limited number of specialized departments and the variety of nonclothing or giftware merchandise for sale.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6305-01 Stores: Dry goods - retail

Applies to establishments engaged in the retail sale of a variety of new or used dry goods. For purposes of this classification dry goods include, but are not limited to, fabric, embroideries, veiling, laces, textile trimmings, curtains, draperies, blankets, bedspreads, sheets, pillowcases, tablecloths, napkins, and towels. This classification includes all store employees.

This classification is distinguishable from retail fabric stores in classification 6406 in that dry good stores will carry

primarily finished piece goods for sale while fabric stores will carry primarily fabric, sewing notions and a limited supply of finished goods.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6305-02 Stores: Shoe - retail

Shoe shine stands

Applies to establishments engaged in the retail sale of new or used shoes. Establishments may sell a full line of shoes or they may specialize in certain types such as athletic shoes, safety shoes, work boots, women's, men's, or children's shoes. It is customary for shoe stores to sell some related products such as, but not limited to, handbags, socks, belts, or shoe care products. This classification includes all store employees. This classification also applies to shoe shine stands.

This classification excludes establishments engaged in the manufacture or repair of shoes or boots which are to be reported separately in classification 3802.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6305-04 Stores: Western wear, including tack - retail

Applies to establishments engaged in the retail sale of new or used western style clothing. Merchandise varies, but may also include western style shoes and boots, jewelry, giftware, or horse tack. This classification includes all store employees including specialty services such as alterations personnel and delivery drivers.

This classification is distinguishable from department stores in classification 6304 in that classification 6305 businesses are not comprised of specialized departments and do not carry furniture, housewares, and similar items required as part of the department store classification.

This classification excludes establishments engaged exclusively in the sale of horse tack and related animal grooming and care products which are to be reported separately in classification 2009 "farm supply stores."

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6305-05 Stores: Wig or hat - retail

Applies to establishments engaged in the retail sale of new or used wigs or hats. Merchandise varies, but generally these establishments will also sell related hair care products, hat pins, broaches or similar accessory items. This classification includes all store employees.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

PERMANENT

6305-06 Custom dressmaking, tailoring, alterations

Applies to establishments who provide custom dressmaking, tailoring, or alterations services to others. Activities include the showing of sketches and fabrics, modeling samples, taking individual orders and measurements, cutting, basting and fitting. Employees use sewing machines, but much of the work is hand sewing, steaming or pressing. Materials include fabrics, buttons, zippers, and sewing notions. Tools and machinery include, but are not limited to, scissors, steam presses and irons, dress forms, and sewing machines with attachments to perform a variety of sewing functions. Custom dressmakers and tailors may sell fabrics and sewing notions, or limited supply ready-made apparel. The sale of these items by establishments engaged in custom dressmaking or tailoring is included in this classification. This classification is distinguishable from clothing manufacturers in classification 3802 in that establishments subject to classification 6305 make custom clothing for individuals rather than making garments on a quantity basis. However, customers of a 6305 business may order several items of a kind such as for a wedding party or small theater group.

This classification excludes the mass production of wearing apparel which is to be reported separately in classification 3802.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-701 Classification 6306.

~~((Appliance stores—excluding second hand appliance stores which are to be reported separately in classification 0607 "household appliances service and repair"~~

~~Furniture rental stores~~

~~Furniture stores~~

~~Office furniture stores~~

~~Piano or organ stores, N.O.C.~~

~~This classification includes the installation of household furnishings, household floor coverings, and household appliances including incidental service and repair of household appliances but excludes second hand or used appliance dealers who are to be reported separately in classification 0607; and contract installation which for the purposes of this rule shall mean the bidding and ultimate furnishing to a purchaser such items listed in this classification that are specially ordered from others (i.e., factories, manufacturers, brokers, etc.) to fulfill the terms of the contract.)~~

6306-00 Stores: Furniture - wholesale or retail
Stores: Billiard or pool table - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique household furniture. This classification also includes the sale of related items such as, but not limited to, lamps, bedding, pillows, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with a furniture store operation. This clas-

sification includes the delivery and the incidental repair of merchandise sold. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and is readily available for sale and delivery to the customer. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, a furniture store could bid on a job to carpet all units of an apartment complex. If the carpet is ordered from the factory as opposed to carpet carried at the store and in the store's inventory, then the installation is to be reported separately in classification 0502. This classification also applies to stores that sell billiard or pool tables.

Special note: Care should be exercised when considering this classification for antique or used furniture stores since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

6306-01 Stores: Furniture - rental

Applies to establishments engaged in the rental of new, used, or antique household furniture. This classification also includes the sales of related items such as, but not limited to, lamps, bedding, pillows, framed pictures, art pieces and sculptures when sold in connection with a furniture rental store operation. This classification includes the delivery and the incidental repair of merchandise rented. Incidental repair in this classification is limited to such activities as the repair or cleaning of upholstery or fixing a small scratch on a table. This classification also applies to establishments that provide rent-to-own purchasing options, and to establishments engaged in the sale or rental of hospital beds, motorized wheelchairs and similar patient appliances.

Special note: Care should be exercised when considering this classification for an antique or used furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing, or upholstery work which are to be reported separately in the applicable service or repair classification.

6306-02 Stores: Appliance - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of gas, electric, or propane household appliances. Household appliances include, but are not limited to, refrigerators, freezers, stoves, range tops, trash compactors, washing machines, clothes dryers, television consoles, big screen televisions, and television antennas or satellite dish receiving units. Appliance stores will routinely carry smaller appliances which are generally referred to as counter top units which include, but are not limited to, mixers, blenders, microwave ovens, toasters and espresso machines and are included in this classification when sold in connection with the appliance store operation. This classification covers the sale of primarily new appliances although establishments subject to this classification accept trade-ins and sell some used appliances. Also included is the incidental repair of appliances sold by the appliance store, parts departments employees, and the delivery of products sold. The contract installation of any merchandise which must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an appliance store could bid on a job to supply appliances for all units of an apartment complex. If the appliances are ordered from the factory as opposed to items carried at the store and in the stores inventory then the installation is to be reported separately in classification 0607. Establishments engaged in the sale of commercial appliances may be assigned to this classification provided such establishments operate a bonafide store operation. Generally, however, commercial appliances such as those used to equip bakeries and restaurants are factory ordered items which are made to a customer's specifications from a manufacturer's representative.

Special note: Care should be taken when considering this classification for an antique or used appliance store since such establishments are primarily engaged in reconditioning appliances (service and repair) for resale and are to be reported separately in classification 0607.

6306-03 Stores: Piano or organ - wholesale or retail

Applies to establishments engaged primarily in the wholesale or retail sale of new pianos and organs. This classification includes all operations associated with the store including service, repair, and delivery. It is common for stores subject to this classification to carry other musical instruments such as, but not limited to, guitars, drums and wind instruments as well as provide instructions on the use of instruments.

This classification excludes establishments engaged exclusively in piano tuning which are to be reported separately in classification 4107; stores that sell musical instruments other than pianos or organs which are to be reported separately in classification 6406; and establishments engaged in the reconditioning of organs and pianos accompanied by the related sales of reconditioned pianos and organs which are to be reported separately in classification 2906.

6306-06 Stores: Office furniture - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new, used, or antique office furniture. This clas-

sification also includes the sales of related items such as, but not limited to, lamps, floor and window coverings, framed pictures, art pieces and sculptures when sold in connection with an office furniture store operation. This classification includes the delivery of furniture and related items, and the incidental repair of office furniture items sold by the office furniture store such as upholstery repair and cleaning. The installation of carpet and window coverings may be included in this classification if such merchandise is part of the store's inventory and readily available for sale and delivery to the customer. The contract installation of any merchandise that must be ordered from a factory or distributor to fulfill the terms of contract is to be reported separately in the classification applicable to the work being performed. For example, an office furniture store could bid on a job to supply modular desk units for a large office complex. If the desk units are ordered from the factory as opposed to units carried at the store and in the stores inventory, then the installation is to be reported separately in classification 2002.

Special note: Care should be exercised when considering this classification for an antique or used office furniture store since such establishments may actually be a furniture refinishing business or an upholstery shop which are to be reported separately in the appropriate classification. Repair work covered by this classification (6306) is limited to such activities as fixing a small scratch on a table, replacing a piece of glass or mirror in a china or curio cabinet, sewing on a button or adjusting a reclining chair mechanism. Classification 6306 should not be assigned to an establishment that is engaged in furniture refinishing or upholstery work.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-703 Classification 6308.

~~((Clock and watch stores-
Hearing aid stores-
Jewelry stores-~~

~~Optical stores—excluding lens grinding which is to be reported separately in classification 6604.))~~

6308-00 Stores: Jewelry - wholesale or retail

Applies to establishments engaged in the sale of premanufactured jewelry. Jewelry sales may be retail to consumers or on a wholesale basis to other stores and dealers. It is common for jewelry stores to employ a goldsmith who will size rings on premises, mount gem stones into settings, or make custom jewelry. Jewelry stores could also be engaged in watch repair and engraving and may offer these services as a part of the jewelry store business. Repair of watches and engraving is included in this classification when performed by jewelry store employees. Custom jewelry making subject to classification 6308-00 is distinguishable from jewelry manufacturing subject to classification 3602 in that businesses in classification 3602 are engaged primarily in the manufacture of jewelry in mass quantities, while jewelry stores in classification 6308 are primarily in the business of selling jewelry purchased from a manufacturer or dealer, and may also make custom or one-of-a-kind pieces.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-01 Stores: Hearing-aid - wholesale or retail

Applies to establishments engaged in the sale of hearing aids. Hearing aids are purchased directly from the manufacturer or a distributor and resold to retail consumers, or at wholesale to other hearing-aid stores. Stores subject to this classification routinely offer free hearing tests to customers. Classification 6308-01 is distinguishable from medical services rendered by a physician subject to classification 6109 in that technicians employed by hearing-aid stores subject to classification 6308 rely on sound testing equipment to conduct examinations. They can provide hearing-aid appliances to customers, but do not perform medical procedures and do not need medical certification. This classification includes technicians employed by the store who conduct hearing tests. Medical doctors, on the other hand, perform a number of medical tests including X-ray and may recommend or perform hearing corrections through surgical procedures.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-02 Stores: Optical - wholesale or retail

Applies to establishments engaged in the sale of optical goods such as, but not limited to, eye glasses and contact lenses. Optical stores purchase eye glass frames and premade lenses from other sources and sell them to retail customers, or wholesale to other optical stores. Stores subject to this classification routinely offer free eye exams to customers. The eye examinations are performed by optometrists or by technicians. These technicians do not need medical certification in order to conduct tests. This classification includes optometrists or technicians employed by optical stores. Classification 6308-02 is distinguishable from medical services rendered by a physician (ophthalmologist) subject to classification 6109 in that optical stores in classification 6308 rely on testing equipment and can only provide eye glass appliances to customers. Medical doctors, on the other hand, perform a number of medical tests including X-ray and may recommend or perform vision corrections through surgical procedures.

This classification excludes establishments engaged in grinding operations as part of the manufacture of optical lenses which are to be reported separately in classification 6604 and establishments engaged in the manufacture of eye glass frames which are to be reported separately in the classification applicable to the materials and processes used.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-03 Stores: Clock and watch - wholesale or retail

Applies to establishments engaged in the sale of clocks and watches, including related repair. Stores subject to this classification carry an assortment of clocks and watches such

as, but not limited to, cuckoo clocks, grandfather clocks, anniversary clocks, and an assortment of heirloom quality pocket or wrist watches. Establishments assigned to this classification are not engaged in the manufacture or assembly of clocks or clock kits. Clocks are purchased directly from the manufacturer or a distributor and resold to retail consumers, or at wholesale to other stores. Classification 6308-03 is distinguishable from clock or watch manufacturing subject to classification 3602 in that clock stores subject to classification 6308 are engaged exclusively in the sale of items manufactured by others and businesses in classification 3602 are engaged primarily in the manufacture of clock mechanisms.

This classification excludes establishments engaged in the manufacture of wooden components or cabinets such as those for grandfather or cuckoo clocks which are to be reported separately in classification 2905.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6308-04 Stores: Trophy or awards - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of trophies, plaques, awards and related items such as, but not limited to, banners, name badges, certificates, buttons, pins, ribbons, pens, advertising or specialty items. As a convenience to their customers, trophy stores may also sell small signs or similar items which they purchase from others. Establishments subject to this classification purchase component parts from other unrelated businesses, then assemble and engrave or letter them per customer specifications. Component pieces include, but are not limited to, plastic, marble, metal, or wood bases and backings, decorative mounts, small hardware, vinyl fabric, and ready made banners. They use hand tools, table top punching or bending devices and engraving equipment. While stores may still use old style engraving machines for some custom orders, most of today's engraving or lettering is done on computerized equipment.

This classification excludes the manufacture of component pieces or signs which is to be reported separately in the classification applicable to the work being performed.

Special note: Producing "computerized vinyl lettering or designs" is a normal activity in several types of businesses such as, but not limited to, trophy stores, manufacturers of textile banners, or sign painting services in a shop. Computerized lettering or designs are made on a plotter/cutter that is attached to a computer. A roll of vinyl fabric is placed on the plotter/cutter. Designs are created on the computer, then transferred electronically to the plotter/cutter that punches them out in the vinyl material. Designs are transferred onto the backing with the use of transfer paper. One must look beyond the producing of computerized vinyl applications when determining the nature of the business being classified. An employee whose *only* duties are generating vinyl lettering or designs on computerized equipment in an office environment could qualify for classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided

all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-704 Classification 6309.

((Art galleries, custom picture or u frame: Stores including in-store custom frame making and frame repair

Automobile, truck or motorcycle: Accessory or replacement parts stores—excluding automobile or truck service or repair centers operated in connection with a store operation which is to be reported separately in classification 3411 "automobile or truck: Repair shops or garages"; machine shop services which is to be reported separately in classification 3402 "machine shops, N.O.C."; and motorcycle service or repair centers which is to be reported separately in classification 3309 "motorcycle service or repair centers." The automobile, truck or motorcycle accessory or replacement parts store classification (6309) shall not be assigned to any business engaged in the sale or rental of new or used automobiles, trucks, motor homes, motorcycles, machinery, mobile homes, boats, all terrain vehicles, golf carts or similar items which specifically includes parts department employees

Bicycle stores—including in-store service and repair but excluding all forms of bicycle manufacturing

Floor covering stores—excluding all installation work which is to be reported separately in the applicable construction classifications

Gun stores—including in-store service and repairs

Hardware variety stores, N.O.C.—excluding any store or operation that sells lumber or building materials which is to be reported separately in classification 2009 "hardware stores with lumber or building material supplies"

Hobby craft stores—excluding the manufacturing, fabrication or assembly of all hobby crafts goods sold by establishments covered by this classification

Locksmith services—including repairs but excluding installation of dead bolt lock sets or similar activities which is to be reported separately in classification 0607 "dead bolt lock set: Installation"

Paint and wallpaper stores—excluding all installation work which is to be reported separately in the applicable construction classifications

Pawn shops

Sewing machine stores—including in-store service and repair

Spa/hot tub stores—including the sale of spa and pool accessories and related items, and the incidental repairs of pumps at store location; excluding installation service or repair of pumps performed at customer site which are to be reported separately in classification 0306; also excluding installation of spa/hot tubs and the construction of pads, sidewalks, decks, gazebos, or other related structures which are to be reported separately in the applicable construction classifications. Stores that sell only accessories for spa/tubs or pools are to be reported separately in classification 6406

Sporting goods stores

Stained art glass stores—excluding the manufacturing of all stained glass or the fabrication and assembly of stained art goods sold by establishments covered by this classification

Wood stove and accessory stores—excluding installation, service or repair which is to be reported separately in classification 0307 "wood stove installation" or as otherwise provided for in classification 0307.))

6309-02 Stores: Gun - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hand guns and rifles. Gun stores subject to this classification will routinely sell related goods such as, but not limited to, knives, archery supplies, ammunition, cleaning kits, targets, target launchers, ammunition belts and specialty clothing. It is common for gun stores to repair guns for their customers. This generally consists of replacing worn or malfunctioning parts that they have in inventory, or that are special ordered from the manufacturer. Gun stores are not generally involved in machining operations although some light machine work is contemplated by this classification. Gun stores in this classification can also make custom ordered guns. This term may be misleading in that a custom gun made by a gun store is simply the assembly of various components to produce the desired gun. Depending on the size and location of the store a related shooting range may be found on the premise. Whether the shooting range is operated in connection with the store operation or by an independent business unrelated to the gun store, it is to be reported separately in classification 6208. Establishments in classification 6309-02 are distinguishable from operations covered in classification 3402, in that gun stores subject to classification 6309 are not engaged in the manufacture of guns, which includes such operations as machining barrels, fabricating triggers, springs, bolts, levers, clips and handles as well as mass assembly of gun components into finished goods.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-03 Stores: Bicycle - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of all types of bicycles. Bicycle stores subject to this classification will sell related goods such as, but not limited to, helmets, pumps, carrier racks, water bottles, shoes, trailers, child carriers, and specialty clothing. It is common for bicycle stores to assemble new bicycles as well as tune and repair bicycles for their customers. This generally consists of replacing worn or malfunctioning parts that they have in inventory or that are special ordered from the manufacturer. Bicycle stores subject to this classification will occasionally make a custom bicycle. This term may be misleading in that a custom bicycle may be nothing more than the assembly of various components to produce the desired bicycle, or it could be the actual cutting, bending, and welding of tube metal, or the cutting, rolling and heating of graphite reinforced plastic material. Only those custom bicycles that are assembled from components manufactured by others are to be reported in classification 6309 and only if such custom

work is incidental to the primary sales of off-the-rack bicycles manufactured by others.

This classification excludes machining operations, frame welding, and establishments engaged in custom manufacturing or mass producing bicycles from nonfinished goods which are to be reported separately in the classification applicable to the bicycle frame material and process used to manufacture the finished units.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-06 Stores: Garden supply - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of homeowner type yard and garden tools, equipment, and supplies. Establishments subject to this classification will carry in their inventory and have available for immediate sale various garden tools and gloves, equipment, and supplies such as, but not limited to, rakes, shovels, post hole diggers (nonpower), hoes, wheel barrows, garden carts, edgers, weed wackers, lawn sprinklers, garden hose, lawn mowers, and chain saws. On a seasonal basis these establishments will routinely stock bags of various types of lawn, shrub and plant fertilizer, lawn seed, bags of potting soil, bags of beauty bark, flower bulbs, vegetable and flower seeds, and some bedding plants and small shrubs. This classification is distinguishable from nurseries in that nurseries sell plants, shrubs and trees that they have purchased from others or raised from seeds or cuttings, most of which are available for sale all year round. Nurseries typically sell soils and bark in bulk, but seldom sell lawn mowers, lawn tractors, edgers and similar items. Nurseries are further distinguishable from garden supply stores in that garden supply stores have a limited outside yard and are primarily composed of a store operation. Nurseries, on the other hand, have limited store operations and extensive yards where plants, shrubs, and trees are displayed and cared for, as well as extensive greenhouse operations.

This classification excludes the repair of tools and equipment sold which is to be reported separately in the classification applicable to the work being performed.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-07 Locksmiths

Applies to establishments engaged in servicing or repairing locksets. Establishments subject to this classification will have a small retail store where they sell new door locksets, repair customer locksets, re-key locksets, make duplicate keys, and sell home security items such as safes and alarm systems. In addition to store operations, this classification includes locksmith field work such as unlocking a car, removing a broken key from an ignition or door, and installing a replacement lockset in a door.

This classification excludes the installation of safes, new locksets, or dead bolt locks which is to be reported separately in classification 0607 and the installation of home security

systems which is to be reported separately in classification 0608.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-08 Stores: Automobile, truck, motorcycle, or aircraft accessories or replacement parts - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of automobile, truck, motorcycle, or aircraft accessories or replacement parts. Most establishments subject to this classification carry a full line of parts ranging from batteries, wiper blades, ignition components, to engines, tires, and transmissions. However, this classification also applies to establishments that sell specialized product lines such as, but not limited to, batteries, electrical systems, or transmission parts. This classification covers only the store operation. Any vehicle, tire, or machine shop service is to be reported separately in the applicable repair or service classification. Care should be exercised when considering the assignment of this classification to an establishment engaged in vehicle service or repair as parts departments may be included in the service or repair classification. Only those vehicle service or repair establishments that have "full line" replacement parts stores are to be assigned to this classification and only when the classification that governs the repair or service permits, the parts department to be reported separately.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-09 Stores: Architectural and surveyor supplies - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of professional and technical measurement equipment used primarily by architects and surveyors. Products sold by establishments subject to this classification include, but are not limited to, plan holders, plotters, lettering systems, engineering software, CAD supplies, copiers and computer paper and films. This classification includes the in-shop servicing or repair of products sold, such as replacing or adjusting parts.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-11 Stores: Stained art glass - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of stained art glass supplies. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, offering craft classes to customers, and delivery of merchandise to customers. Items sold by establishments subject to this classification include, but are not limited to, lead and leaded glass, crafts, light fixtures, terrarium parts, lamp shade parts, kits for picture frames, mirrors, books on stained glass,

small grinders, glass cutters and other tools for making stained glass items.

This classification excludes the manufacture of stained glass and the fabrication and assembly of stained art goods which is to be reported separately in classification 3503 and stores that sell craft-making goods or hobby supplies which are to be reported separately in classification 6309-21.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-12 Stores: Wood stove and accessories - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of wood stoves, pellet stoves, fireplace inserts, and accessories. The majority of stoves today are produced from cast iron or steel plate and may be finished with enamel or paint. Stove stores subject to this classification will sell related accessories such as, but not limited to, noncombustible hearths and irons, wood holders, pellet scoops, stovepipes, metal chimneys, decorative brass legs and brass handles and bags of pellets. Some wood stove dealers may sell both stoves and spas as their main product lines. Stores that sell both are to be reported separately in classification 6309-14. This classification includes the set-up of wood stoves and heaters which can be operated as part of a display area or showroom in the store when performed by employees of this business.

This classification excludes the installation and repair of wood stoves, furnaces, air conditioning units and vacuum cleaner systems which is to be reported separately in classification 0307; masonry work which is to be reported separately in classification 0302; and chimney cleaning which is to be reported separately in classification 4910.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-13 Stores: Hardware variety, N.O.C., specialty hardware or marine hardware - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hardware related items. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated business dealers or manufacturers, warehousing of inventory, stocking of shelves, cashing, customer load out, assistance and delivery. Establishments subject to this classification cater to homeowners and, therefore, do not carry contractor quantities of products for sale. Hardware variety stores applicable to this classification are generally small retail stores (3,000 square feet or less). Hardware variety stores will have a wide assortment of products for sale ranging from paint and painting supplies, electrical and plumbing supplies, to hand or power tools, garden supplies, housewares, and hardware. For purposes of this classification the term "hardware" applies to nails, screws, bolts, hinges, staples, chain, and similar items. Classification 6309-13 is distinguishable from classification 2009 in that the quantity of products sold by hardware variety

stores subject to classification 6309-13 is limited to homeowner quantities, the selection of product is limited, and they carry only a limited selection of lumber, if at all. Hardware variety stores may also carry seasonal plants. This classification also applies to specialty hardware or marine hardware stores.

This classification excludes hardware stores that sell lumber or building materials which are to be reported separately in classification 2009.

Special notes: Care should be exercised when assigning classification 6309-13 to a business. All other store and nursery classifications are to be considered before this classification is assigned. It is common for a nursery to have a substantial inventory of hardware and tools, just as it is common for farm supply stores to sell similar products, yet these types of businesses are covered in alternative classifications.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-14 Stores: Hot tub or spa - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hot tubs and spas. Most dealers subject to this classification have small store operations where a limited supply of spas and hot tubs are displayed. Some may have distribution centers where spas are shipped from the manufacturer and stored until delivered to a showroom or directly to a customer. The majority of spa units are portable and self-contained, which means the plumbing, pump, wiring, and controls are already in place and enclosed in the siding surrounding the tub. They are ready to use once the electricity is hooked up at the customer's site. The other type of spas are referred to as "shells," which are usually set in place in the ground, then the pump, plumbing, electrical wiring, and any surrounding rockery or structures built around it. Stores that sell spas and hot tubs also stock related items such as, but not limited to, spa or swimming pool chemicals and cleaners, brushes, replacement pumps and parts, filters, and spa accessories such as fragrances. Some may also sell other product lines such as swimming pool shells, wood or pellet stoves and related items such as, but not limited to, lawn furniture, barbecues, or water sports equipment. Operations contemplated by this classification include the receipt of tubs, spas, pools, pool liners, chemicals and other products from manufacturers or unrelated companies, stocking shelves, setting up displays, cashing, delivery of products to customer locations, instruction on testing and maintaining pool waters, and incidental pump repair in the store; it does not contemplate the repair or service of pumps or pools at customer's location. Establishments that sell both wood stoves and spas are to be reported in this classification. This classification also applies to establishments that rent hot tubs and deliver them to, and pick them up from, the customer's location.

This classification excludes establishments that sell only accessories for tubs or pools which are to be reported separately in classification 6406; establishments engaged in the sale of wood or pellet stoves, but do not sell spas, which are to be reported separately in classification 6309-12; and establishments engaged in the manufacture or installation of hot

tubs which are to be reported separately in the classification applicable to the work being performed.

Special notes: Spa and hot tub dealers may be licensed contractors who build swimming or wading pools, in addition to the spas and hot tubs sold. Except for the in-store pump repair, all other electrical or plumbing installation or repair work, pump repair, landscaping, building of structures, pouring of concrete, and servicing of the pool waters are excluded from this classification and are to be reported separately in the classification applicable to the work being performed.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-15 Stores: Floor covering - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of floor coverings. Establishments subject to this classification sell a variety of floor coverings and related items such as, but not limited to, sheet vinyl, floor tile, ceramic wall or countertop tile, wood parquet, floor or area rugs, carpeting, window coverings, bathroom and kitchen accessories, and supplies to install products. Other stores may specialize in only one or a few of these products. Floor covering stores generally consist of a store operation where samples of all product types are displayed. Merchandise is usually ordered from the factory or distributor per customer specifications; however some goods are kept in stock and are available for immediate sale. Operations contemplated by this classification include the receipt of merchandise purchased from unrelated businesses and manufacturers, stocking shelves, cashiering, estimating floor covering needs from plans, blue prints and customer measurements, ordering special floor coverings from distributors or manufacturers, and delivering the product to customers.

This classification excludes all installation work and the manufacture of any product sold by floor covering stores, which is to be reported separately in the applicable construction, installation, or manufacturing classification.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-16 Pawn shops

Applies to establishments engaged in loaning money to others in exchange for collateral of new or used merchandise such as, but not limited to, jewelry, video equipment, and computers. It is common for pawn shops to sell new and used merchandise they have taken as collateral for defaulted loans. Operations contemplated by this classification include receiving merchandise from others, stocking of shelves, and cashiering.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-17 Stores: Sporting goods - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of a variety of sporting goods. Operations contem-

plated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, and delivery. For purposes of this classification the term "sporting goods" includes, but is not limited to, baseball gloves, bats, balls, fishing poles, tackle, reels, tennis racquets, bicycle helmets, exercise equipment, and specialty clothing and shoes. A store may carry equipment and related items for a number of sports, or specialize in a particular sport such as skiing or fishing.

This classification excludes stores that specialize in selling bicycles and related items such as tire pumps, water bottles, locks, shoes and clothing, which are to be reported separately in classification 6309-03, and stores that specialize in selling guns and related items such as ammunition, hunting supplies, archery equipment, targets, knives, and clothing which are to be reported separately in classification 6309-02.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-18 Stores: Paint and wallpaper - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of paint and wallpaper supplies. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, mixing paints and stains, warehousing, stocking of shelves, cashiering, and delivery of merchandise to customers. Establishments subject to this classification routinely offer pressure washer and spray units, and ladders for rent or sale which is included in this classification when such sales and rentals are conducted in connection with a paint and wallpaper store. This classification excludes establishments engaged in the rental of spray paint and pressure washer units which are to be reported separately in classification 1106.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-19 Stores: Sewing machines or vacuum cleaners - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of new or reconditioned sewing machines or vacuum cleaners. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, demonstrating or delivering merchandise to customers, providing instructions or sewing classes to customers, and in-store repair. Sewing machine repair is generally limited and consists mainly of adjusting thread and stitch tensioners, aligning components (needle and foot), replacing electrical motor, lights and belts. Types of sewing machines include sergers, button holers, embroidery machines, and commercial machines such as those used by a tailor or an upholstery shop, but does not include industrial machines such as those used in feed and carpet mills.

This classification excludes fabric stores that may also sell sewing machines which are to be reported separately in classification 6406; and establishments engaged in the repair of industrial sewing machines which are to be reported separately in classification 3402 for shop operations and classification 0603 for field repairs.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-20 Stores: Custom framed art or U-frame - wholesale or retail: Art galleries

Applies to establishments engaged in the wholesale or retail sale of custom framed art such as, but not limited to, posters and pictures. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, cutting matte board, glass and frame material, assembling frames, mounting art, posters or pictures into custom made or premade frames and delivery of merchandise to customers. Custom frame manufacturing covered by this classification is distinguishable from other frame manufacturing covered in classifications 3404, 2909, and 3512 in that custom frame making contemplated in classification 6309-20 consists of cutting frame material purchased from others with a specialized saw and fastening the pieces together with a small air nailer or finish screws. Frame manufacturing operations in other classifications consist of extruding metal or plastic through dies to produce the desired frame material, or planing and molding the dimensional lumber to the desired appearance, cutting material in mass quantities, fastening frames together (mass production oriented) and boxing for shipment. U-frame operations consist of selling the various components such as, but not limited to, premade frames or precut unassembled frame kits, matte board, glass and prints to customers for customer assembly. This classification also includes establishments that operate art galleries, as the framing activities are similar.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6309-21 Stores: Hobby and craft - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of hobby and craft supplies. Operations contemplated by this classification include the receipt of merchandise purchased from other unrelated businesses, dealers, or manufacturers, warehousing, stocking of shelves, cashiering, offering craft classes to customers, and delivery of merchandise to customers. Items sold by establishments subject to this classification include, but are not limited to, floral arrangement supplies, pottery supplies, art glass supplies, doll making supplies, jewelry components such as beads and wire, and artist supplies. It is common for establishments subject to this classification to also be involved in custom picture framing in connection with hobby or craft store operation.

This classification excludes the manufacture of hobby and craft goods which is to be reported separately in the classification applicable to the materials and processes and stores that specialize in the sale of stained art goods which are to be reported separately in classification 6309-11.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-706 Classification 6402.

~~((Grocery stores, N.O.C. - retail~~

~~For purposes of this rule the term "grocery stores, N.O.C. - retail" shall apply only to retail establishments whose inventoried products available for sale to the public include all of the following merchandise: Canned goods; dairy products; fresh and frozen meats; vegetables and fruits; carbonated and alcoholic beverages; juices; household cleaners; laundry and health care products; and baked goods. Retail establishments subject to this classification may also have other in-store departments or services which are provided for their customers convenience such as in-store bakeries, delis, espresso bars, video rental, film developing, floral and wine departments. These operations, although they may be physically separated within the general store area, are common to such stores and are included within the scope of classification 6402 when performed by employees of an employer subject to this classification. This classification excludes in-store pharmacy operations which are to be reported separately in classification 6406 "drug stores - retail"; and lunch counters and restaurants which are to be reported separately in classification 3905 "eating establishments, N.O.C.")~~

6402-00 Stores: Grocery, N.O.C. - retail

Applies to establishments engaged in providing retail sale of a full line of grocery items. To qualify for this classification an establishment must provide for retail sale all of the following items: Canned goods, dairy products, a full line of fresh meats, frozen meats, vegetables and fruits, baked goods, carbonated and alcoholic beverages, juices, household cleaners, laundry and health care products. These stores will generally be of the supermarket size but there may be some smaller stores which are also to be included in this classification if all of the items listed above are in their inventory. Also included in this classification, when performed by employees of the store, are in-store departments or services that are provided for the customer's convenience such as in-store bakeries, delis, video rental, film developing, florists, and wine departments.

This classification excludes in-store pharmacies which are to be reported separately in classification 6406, espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905; convenience store or mini-markets that do not sell all of the above mentioned items which are to be reported separately in

classification 6403: grocery or convenience stores with self-service gasoline operations which are to be reported separately without division of hours in classification 3410; and specialty retail stores that sell only dairy products, fruits and vegetables, soft drinks or wine and/or liquor which are to be reported separately in classification 6403.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-707 Classification 6403.

~~((Coffee, tea or spice stores—retail~~

~~Convenience grocery stores or mini-markets, N.O.C.—retail~~

~~Dairy products stores—retail~~

~~Fruit or vegetable stores—retail~~

~~Soft drink stores—retail~~

~~Wine or liquor stores—retail~~

~~This classification excludes any store operation engaged in the sales of gasoline which is to be reported separately in classification 3410 "convenient grocery stores with self service gasoline.")~~

6403-01 Stores: Coffee, tea, or spice - retail

Applies to establishments engaged in the retail sale of specialty coffees, teas, or spices. They may sell coffee/tea in packaged and/or ready to drink forms and may offer a small selection of pastries or cookies for the customers convenience.

This classification excludes espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6403-02 Stores: Dairy products - retail

Applies to establishments engaged in the retail sale of dairy products such as, but not limited to, milk, eggs, cheese, and ice cream. As a convenience to their customers, these establishments may offer a limited supply of related foods such as bread. This classification is distinguishable from other 6403 store operations in that the primary products available for sale are dairy products.

This classification excludes espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6403-04 Stores: Fruit or vegetable - retail

Applies to establishments primarily engaged in the retail sale of fresh fruits and/or vegetables. These stores are usually found in individual stands at public or municipal street markets, or at roadside stands not located on the farm which

may range from a small booth to a store-like operation. Sales at roadside stands away from the farm location or public markets are to be reported in this classification even if vendors grow all their own produce.

This classification excludes establishments that grow their own fruits and vegetables and sell them at their farm location which are to be reported separately in the appropriate agricultural classification as required by the general inclusion provision of the general rules, espresso street carts or stands and lunch counter/restaurant operations which are reported separately in classification 3905.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6403-05 Stores: Specialty grocery - retail

Applies to establishments engaged in retail sale of specialty grocery items. Establishments subject to this classification have a limited selection of grocery items which are generally related to ethnic foods and cuisine, gourmet meats, cheeses, or condiments, health food or pet food. This classification also applies to stores that sell U-bake pizza.

This classification excludes espresso street carts or stands and lunch counter/restaurant operations which are reported separately in classification 3905.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6403-06 Stores: Mini-markets or convenience grocery, N.O.C. - retail

Applies to establishments engaged as retail convenience grocery stores or mini-marts. Generally these stores sell convenience items such as, but not limited to, soft drinks, beer/wine, snack foods, candy and a limited selection of canned or boxed foods. They may also prepare foods such as sandwiches, chicken, jo jos and hot dogs. While these stores may sell a variety of grocery items they are distinguished from stores in classification 6402 in that they do not sell all of the items specified for retail grocery store operations. Generally the difference can be established by determining if the store cuts and sells fresh meat. This classification also applies to food bank operations.

This classification excludes establishments engaged as convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410 and espresso street carts or stands and lunch counter/restaurant operations which are to be reported separately in classification 3905.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6403-07 Stores: Wine, liquor, or soft drinks - retail

Applies to establishments engaged primarily in the retail sale of wine, liquor, or soft drinks and an assortment of pre-packaged mixed drinks, and related gift items. Establishments in this classification are not operated in connection

with a manufacturing, bottling, restaurant, or tavern operation. This classification also applies to liquor stores operated by Native American tribes and to contract state liquor stores operated by nonstate employees. This classification contemplates a minimal amount of mail order sales and locker rentals in a wine cellar operated by a wine store.

This classification excludes state operated liquor stores which are reported separately in classification 5307; establishments engaged in the distillation, brewing, or bottling of alcohol, beer or wine, which often have tasting rooms and gift shops, which are reported separately in classification 3702; and establishments engaged primarily in selling wine-making or beer-making kits and supplies which are reported separately in classification 6406.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-708 Classification 6404.

~~((Balloon arrangement stores~~

~~Florists and artificial floral arrangement stores~~

~~Indoor plants: Sales or leasing—including plant watering and care services.))~~

6404-00 Stores: Florists - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of fresh-cut flower arrangements, potted plants, balloon arrangements, or arrangements of artificial or dried flowers and foliage. These shops typically carry related gift items, such as, but not limited to, terrariums, vases, and gift cards. Operations contemplated by this classification include the receipt of flowers, plants, and other merchandise from unrelated businesses, making the arrangements, storing fresh-cut flowers in refrigerated cases, caring for potted plants in a greenhouse, and delivering items sold. Also included in this classification is the assembly and/or decoration of Christmas wreaths. Wreaths may be assembled from fresh greens and decorations added, or decorations may be attached to grapevine wreath bases or metal rings. Establishments in this classification work with hand cutting tools, glue guns, small wires and wooden stakes, floral foam or clay, greenery, wreath bases, and decorative trimmings. This classification also applies to "cottage industries" that make similar items, and to establishments primarily engaged in packing holly that was grown by others.

This classification excludes establishments engaged in the planting, cultivating, and/or harvesting of flowers, plants, shrubbery, trees, florist greens, holly, baby's breath or florist greens which are to be reported separately in the classification applicable to the work being performed.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6404-02 Stores: Indoor plants or aquariums - wholesale or retail: Sale, lease, or care of

Applies to establishments engaged in the wholesale or retail sale, lease, or care of indoor plants or aquariums. Establishments subject to this classification will deliver, set up, service, and maintain plants or aquariums at the customer's location. Maintenance/care includes, but is not limited to, watering, trimming, pruning, fertilizing, and cleaning. Such establishments will frequently have a small greenhouse facility for caring and storing plants.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6404-03 Stores: Candy or cookie arrangement - wholesale or retail

Applies to establishments engaged in the wholesale or retail sale of candy or cookie arrangements in containers such as, but not limited to, mugs, vases, booklets, and novelty items. Typical occupations include, but are not limited to, making arrangements, answering telephones, selling to walk-in customers, cashiering, and delivering the bouquets. This classification does not include any on-premise manufacturing of candies or cookies.

This classification excludes establishments engaged in retail candy sales with on-premise manufacturing which are to be reported separately in classification 3905, and establishments engaged in specialty bake shops which are to be reported separately in classification 3901.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-709 Classification 6405.

~~((Tire: Retreading, rebuilding and/or reeapping~~

~~Fire sales and service center—including automobile or truck care service centers or repair garages operated in connection with a tire service or repair center.))~~

6405-01 Tire sales and service centers, including automobile or truck care service centers or repair garages operated in connection with a tire service or repair center

Applies to establishments engaged in the sale, installation, and repair of vehicle tires for others. This classification includes, but is not limited to, tire store employees, service managers, and auto care service employees. Services provided include, but are not limited to, tire mounting and balancing, in-shop or mobile service flat repair, alignments, brake service, muffler repair, tune-ups, and oil changes. It is common for tire centers to offer other automotive services such as wiper replacement, radiator flush, battery replacement and even major engine and transmission work which are also included in this classification. This classification is distinguishable from classification 3411 and 3413 in that classification 6405 applies to any business that installs and

services tires regardless of the number of tires sold. Establishments assigned to classification 3411 and 3413 do not install or service tires. Classification 3411 and 3413 are not to be assigned to an establishment assigned classification 6405.

This classification excludes towing services for hire which are to be reported separately in classification 1109 and tire sales and services centers which are also engaged in tire retreading operations which are to be reported separately in classification 6405-06.

6405-06 Tire rebuilding, retreading and/or recapping

Applies to establishments engaged in rubber tire rebuilding, retreading and/or recapping either at their tire dealership location, or at a location physically separate from the tire store. Rebuilding tires differs from the manufacture of tires in that rebuilding, recapping, or retreading simply restores used tires to a usable condition by bonding new rubber onto the existing work tread and lateral surface. First, tires are inspected for separations and penetrations. To remove the tread pattern, the casing is mounted on a wheel, inflated, and smoothed with a buffer or abrasive file. Any rocks, nail heads, etc., are pulled out with air tools, and the holes repaired with a rubber patch or a strip of rubber applied with an extruder gun. In the hot process, the buffed tire is put on a spinning wheel and unvulcanized tread rubber is wrapped around the tread area of the tire body either manually or mechanically. The tire is then placed inside a curing mold which has a tread design, and heated at 320 degrees for several hours so the rubber expands into the design and forms the tread. After the tire is removed from the vulcanizing mold, it is inflated to high pressure and cooled. In the cold process, commonly referred to as bandage, the new tread is a pre-cured strip or rubber compound with the tread design already molded into it. Only enough old rubber is removed to true the tire and provide a bonding surface. Air hoses or solvents are used to remove contaminants which would interfere with the adhesion process. The tire is inflated to its normal running pressure and a rubber cement is applied over the buffed surface by spray gun or brush. When the cement dries the pre-cured tread is wrapped around the casing. The strip is bonded to the tire casing under pressure and heated at 210 degrees in a curing chamber. This classification excludes tire dealers that do not perform rebuilding, recapping or retreading which are to be reported separately in classification 6405-01 and the manufacture of tires which is to be reported separately in classification 3513.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-710 Classification 6406.

((Baseball card stores—retail
Book, record, tape, compact disc, and video stores—retail
Camera or photo supply stores—retail
Coin and stamp stores—retail
Coin-operated arcades—excluding repair which is to be reported separately in classification 0606 "amusement devices, N.O.C."
Drug stores—retail

Fabric and yardage stores; yarn and needle work stores—retail
Microwave oven, blender, mixer, or toaster oven stores—retail
Musical instrument stores—retail—excluding piano or organ stores which are to be reported separately in classification 6306 "piano or organ stores"
News and magazine stands—retail
Office machine stores—retail
Office stationery stores
Private mailbox; safety deposit box; or computer tape storage—facilities
Retail stores, N.O.C.—retail
Stereo component stores—retail
Telephone stores—retail
This classification excludes all on-premise manufacturing of any kind, repair work, delivery drivers, outside installation, lunch counters and restaurant operations which are to be reported separately-))

This classification applies to specialty retail store operations engaged primarily in the sale of a wide variety of products ranging from collectibles such as stamps, coins, sports cards, and dolls to table top appliances such as portable televisions, blenders, mixers and toasters. This classification is comprised of subclassifications that cover a specific type of retail store operation. One of the subclassifications applies to the sale of products which are not covered by another classification. Although the products sold by establishments subject to this classification will vary by each subclassification, the overall operational activities are similar. Each business covered by this classification will generally employ cashiers and merchandise stockers, as well as other occupations of workers.

Special note: This classification excludes all repair operations unless it is specifically included in the classification, delivery service, on-premises manufacturing, outside installation work, and lunch counters and restaurants which are to be reported separately in the classification applicable to the work or service being performed.

Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6406-00 Retail stores, N.O.C.

Applies to establishments engaged in the retail sale of merchandise or services not covered by another classification (N.O.C.). Merchandise includes, but is not limited to, greeting cards, costume jewelry, scarves, tropical fish and birds and related fish or bird supplies, table top appliances such as mixers, blenders, microwave ovens, or table top satellite receiving units, quick print copy or FAX services and related specialty items or services. This classification also applies to establishments that provide inventory services for other businesses.

This classification excludes pet stores that sell dogs or cats and establishments engaged in pet grooming services which are to be reported separately in classification 7308; pet food stores which are to be reported separately in classification 6403; and offset, cold press and similar printing opera-

tions which are to be reported separately in classification 4101.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-01 Stores: Camera or photography supply - retail

Applies to establishments engaged in the retail sale of cameras and photography and dark room supplies such as, but not limited to, batteries, film, processing trays, chemicals, print paper, enlargers, and timers. It is common for these establishments to offer film developing services which may be either a one-hour service or an overnight process. Both types of film developing services are included in this classification when conducted in connection with a camera and photography supply store. This classification is distinguishable from classification 6506 in that establishments covered in classification 6506 are not engaged in the sale of cameras or photo developing equipment.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-03 News and magazine stands - retail

Applies to establishments engaged in the retail sale of newspapers and magazines. Establishments subject to this classification may sell newspapers or magazines from various locations such as, but not limited to, stands at public markets, store operations in malls, or from a street corner.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-09 Arcades: Coin or token operated

Applies to establishments engaged in operating coin- or token-operated arcades. This classification covers attendants, change makers, and security personnel who monitor the game rooms and make change. Attendants may remove tokens and money from machines and may perform minor adjustments such as resetting a jarred machine.

This classification excludes the installation, removal or repair of machines which is to be reported separately in classification 0606.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-11 Stores: Office stationery and machinery - retail

Applies to establishments engaged in the retail sale of office stationery, supplies, and/or machinery. For purposes of this classification "office stationery and supplies" includes, but is not limited to, paper, writing tablets, computer software, pens, pencils, markers, staples, staplers, scissors, paper clips, and binders. "Office machinery or business machinery" includes, but is not limited to, calculators, typewriters, various types of copy machines, fax machines, and desk top and lap top computers.

This classification excludes service and repair of office/business machines which is to be reported separately in classification 4107 and establishments engaged in sale of office furniture which are to be reported separately in classification 6306.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-12 Stores: Fabric, yardage, yarn and needlework supplies -retail

Applies to establishments engaged in the retail sale of fabric, yardage, yarn and needlework supplies. It is common for establishments subject to this classification to have a small inventory of noncommercial/industrial sewing machines and sergers for sale in addition to fabric, sewing notions, patterns, and related supplies. Fabric and yarn stores may also offer sewing and craft classes which are included in this classification when taught by employees of an employer subject to this classification. This classification is distinguishable from sewing machine stores in classification 6309 in that the principle products sold in classification 6406 are fabric and sewing notions while sewing machine stores are not engaged in the sale of fabric or yardage.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-14 Stores: Wind or string musical instruments - retail

Applies to establishments engaged in the retail sale of musical instruments such as, but not limited to, drums, wind instruments, guitars, and banjos. This classification includes music lessons when provided by employees of an employer subject to this classification and includes minor adjustment services such as replacing a drum skin or a broken string on a guitar.

This classification excludes the repair of wind and string musical instruments which is to be reported separately in the applicable repair classification; establishments engaged in the repair of pianos which are to be reported separately in classification 2906; and establishments engaged in the sale of pianos and organs which are to be reported separately in classification 6306.

Special notes: Classification 6406 does not apply to any establishments that sells pianos or organs in addition to wind or string instruments. Refer to classification 6406 general description for operations excluded from this classification.

6406-16 Stores: Drug - retail

Applies to establishments engaged in the retail sale of prescription and nonprescription drugs. Establishments subject to this classification will routinely carry a variety of personal care and grooming products in addition to prescription and nonprescription drugs and may also rent crutches, canes, wheel chairs, and walkers.

This classification excludes establishments engaged in the sale and/or rental of hospital beds, motorized wheel chairs, and other patient appliances which are to be reported separately in classification 6306, and establishments engaged in the sale/rental and service (repair) of motorized mobility aids such as wheelchairs and 3-wheel scooters which are to be reported separately in classification 3309.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-17 Stores: Variety - retail

Applies to establishments engaged in the retail sale of a variety of consumer goods such as, but not limited to, housewares, linens, clothing, toys, and candy. In earlier years establishments subject to this classification were often

referred to as "5 and 10 cent stores." Although these stores carry much of the same merchandise as a department store, they are distinguishable in that variety stores are not comprised of specialized departments and do not generally carry the quantity/assortment of products that department stores do.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-18 Private mail box; safety deposit box; computer tape storage facilities - rent or lease

Applies to establishments engaged in renting or leasing private mail boxes, safety deposit boxes, or computer and financial record storage facilities. Establishments subject to this classification will operate a secured facility where they receive and sort their customers' mail, parcels and packages from the U.S. Post Office or other parcel/package delivery companies, and package articles for shipment for their customers. They also provide a secured storage facility equipped with safety deposit boxes which they rent out on a short or long term basis. It is common for these establishments to offer additional services such as FAX, and copying services.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-19 Stores: Coins, stamps, baseball cards, and comic books -retail

Applies to establishments engaged in the retail sale of coins, stamps, baseball cards, comic books, and similar collectibles. Establishments subject to this classification may be engaged exclusively in mail order sales, sell from browse tables at collectible or trade shows, through specialty auctions, or may sell from a store location. Coin and stamp stores routinely sell magazines, periodicals, and supplies that cater to collections or hobbies. Card shops routinely sell other sports memorabilia such as autographed baseballs, footballs and basketballs, framed pictures, POGS and buttons.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-20 Stores: Book, record, cassette, compact disc, and video - retail

Applies to establishments engaged in the retail sale or rental of new or used books, records, cassettes, compact discs or videos. Establishments subject to this classification may be engaged exclusively in mail order sales, sell from browse tables or trade shows, through specialty auctions or may sell from a store location.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-23 Stores: Candy - retail

Applies to establishments engaged in the retail sale of packaged and unpackaged candy they have purchased from others.

This classification excludes establishments engaged in the on-premise manufacture of candy and the subsequent retail sale of these products which are to be reported separately in classification 3905; and establishments engaged in

the manufacture of candy or confections for wholesale to retail establishments or distributors which are to be reported separately in classification 3906.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-24 Stores: Cigarette and tobacco - retail

Applies to establishments engaged in the retail sale of cigarettes, tobacco, and related products such as, but not limited to, pipes, pipe cleaning supplies, rolling machines, cigarette papers, lighters, lighter fluid, and cigarette cases.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-25 Stores: Telephones - retail

Applies to establishments engaged in the retail sale of telephones, pagers, and cell phones. Establishments subject to this classification are not a utility company in that they do not operate telephone exchanges and are not regulated by the Utilities and Transportation Commission of Washington. Their operations are limited to the sale of communication hardware. Stores subject to this classification may arrange activation and service for their customer, or the customer may contact the service provider directly.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-27 Stores: Stereo components - retail

Applies to establishments engaged in the retail sale of stereo components. Establishments subject to this classification will sell a variety of audio and video appliances such as, but not limited to, video players, stereos and portable televisions. These establishments may also sell and install automobile stereo speaker systems and car phone systems; however, the installation is not covered in classification 6406-27.

This classification excludes the installation, service or repair of home or car stereos and car phone systems which are to be reported separately in classification 0607, and establishments engaged in the sale of stereo and television console sets, big screen televisions, or other major appliances which are to be reported separately in classification 6306.

Special note: Classification 6306 applies to any establishment that sells TV console sets or big screen TVs, even if the majority of their inventory is stereo components and/or portable TVs. Refer to classification 6406 general description for operations excluded from this classification.

6406-29 Stores: Toys - retail

Applies to establishments engaged in the retail sale of a variety of toys, games, and related items for persons of all ages. Merchandise includes, but is not limited to, video games, tricycles or bicycles, books, dolls and stuffed animals, outdoor play equipment, and specialty clothing.

This classification excludes establishments engaged in the retail sale of sporting goods and bicycles which are to be reported separately in classification 6309. This classification is distinguishable from businesses in classification 6309 in that the principle products of stores subject to classification 6406 are toys and games, as compared to stores in classification 6309 which are primarily engaged in the sales of sporting goods and bicycles.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-30 Stores: Cosmetics - retail

Applies to establishments engaged in the retail sale of cosmetics and fragrances. Related services usually offered by these types of stores include consultations with clients regarding make-up techniques, styles, and colors.

This classification excludes hair and nail salons which are to be reported separately in classification 6501.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-31 Stores: Kitchen, bath and drapery - retail

Applies to establishments engaged in the retail sale of kitchen or bathwares such as, but not limited to, pots and pans, flatware, dishes, towels, canister sets, soap dishes, towel bars, waste baskets, plant stands, and curtains or draperies.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

6406-33 Stores: Gift shops, N.O.C. - retail

Applies to establishments engaged in the retail sale of gift items not covered by another classification (N.O.C.) such as, but not limited to, crystal and silver serving pieces, china, cut glass, picture frames, wedding and shower books and invitations, special occasion cards, decorative statues, boxed candy, and ornaments. This merchandise tends to be of a finer selection than the everyday wares common in variety shops.

Special note: Refer to classification 6406 general description for operations excluded from this classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-711 Classification 6407.

~~((Wholesale stores, N.O.C.~~

~~For purposes of this rule the term "wholesale stores, N.O.C." shall also include combined wholesale and retail store operations. This classification is the wholesale store counterpart to risks assigned to retail store classifications 6304, 6305, 6309 and 6406~~

~~This classification excludes delivery drivers which are to be reported separately in classification 1101, "delivery by combined wholesale and retail stores.")~~

6407-00 Wholesale stores, N.O.C. - including combined wholesale and retail store operations

Applies to establishments engaged in the wholesale, or combined wholesale and retail sales of merchandise that is not covered by another classification (N.O.C.). Establishments subject to classification 6407 usually own the merchandise they sell, but may also be marketing goods on consignment, in which case classification 6407 still applies because the exposure and processes are the same. This classification is primarily the wholesale counterpart (supplier) for establishments assigned to retail store classification 6304, 6305 and 6406. Work contemplated by classification 6407 includes, but is not limited to, maintaining warehouse inven-

ories, incidental assembly (limited to joining pre-made parts of bicycles, tables, etc., with screws, nuts, bolts), sorting and grading goods, and breaking down bulk quantities to repack-age into smaller lots. Equipment typically used includes, but is not limited to, balers to bind merchandise into bundles, strapping equipment to secure palletized goods, forklifts, and hand tools.

This classification excludes delivery which is to be reported separately in classification 1101.

Special notes: When assigning classification 6407, care must be exercised to look beyond the words "wholesale" or "retail." The manufacturer of a product will also "wholesale" their merchandise (or a combination of their own merchandise and finished products bought from other manufacturers) to a customer. These sales are an integral part of the manufacturing/marketing process and is an inclusion in the manufacturing classification. Establishments that buy goods, such as clothing or cloth goods, in wholesale quantities, then screen print or embroider them for resale are performing manufacturing operations and are to be reported separately in the appropriate manufacturing classification.

Warehouse operations in classification 2102, with the exception of grocery dealers, do not own the product they are warehousing and are not in the business of selling the goods they store. Businesses in classification 6407 may operate a warehouse, but only as an integral part of the wholesaling/distribution process, which is included in classification 6407.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-712 Classification 6408.

~~((Farm machinery/implement dealers
Farm machinery rental dealers~~

~~This classification includes parts departments, demonstration of machinery or implements, and repair without regard to location. All other operations are to be reported separately.)~~

6408-03 Dealers: Farm machinery/implement

Applies to establishments engaged in the sale, rental, or lease of new or secondhand farm machinery and implements, service and/or repair by dealer either in the dealer's shop or at the customer's site. Establishments subject to this classification will occasionally service or repair other equipment, such as farm trucks, owned by their customers, which is considered incidental to their main activity and is included in this classification. For purposes of this classification the term "farm machinery" refers to engine powered machinery such as, but not limited to, tractors, combines, and swathers. Implement refers to attachments to and/or powered by farm machinery such as, but not limited to, plows, discs, balers, and rakes. This classification includes parts and service department employees, the demonstration of machinery or implements at the dealer's premises or the customer's site, truck drivers, regional sales and/or service representatives who provide factory service or training to local dealers and to customers. The parts departments in these establishments not only provide parts to their service departments, but frequently

PERMANENT

will sell a larger quantity to the general public. Many will also carry a substantial inventory of automobile parts, for the convenience of their customers, which is also included in this classification. Establishments subject to this classification will have a large inside display room which may contain small to medium sized tractors, riding mowers, both agricultural and garden type, sprayers, pumps, generators, a limited amount of small hardware items, and supplies such as oil, filters, and belts. The variety of merchandise varies with the needs of the particular geographical area. Larger horsepower tractors, implements, and used machinery and implements, are usually displayed on outside fenced lots.

This classification excludes dairy equipment and supply dealers who are to be reported separately in classification 6407 for their "store" operations and classification 0603 for the installation, service, or repair of their machinery and equipment; wind machine dealers who are to be reported separately in classification 0603 for all field work, such as tower erection, hooking up generators and motors, installing gear boxes, and installing propane or diesel fuel tanks, as well as regular maintenance or repair work; and establishments that repair farm type tractors, but who are not involved in the sale of them, which are to be reported separately in classification 3413.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-713 Classification 6409.

~~((Machinery/equipment dealers, N.O.C.
Machinery rental dealers, N.O.C.~~

~~Oil or gas well supplies or equipment dealers
This classification includes demonstration of machinery or equipment and repair without regard to location. All other operations to be separately rated.))~~

6409-00 Dealers: Machinery/equipment, N.O.C.

Applies to establishments engaged in the sale, rent, or lease of new or used machinery and equipment not covered by another classification (N.O.C.), and oil or gas well equipment or supplies. For purposes of this classification the terms machinery or equipment includes, but is not limited to, diesel tractors, bulldozers, dump trucks, buses, road graders, logging towers, feller/bunchers, skidders, semi trucks, printing presses, power generators, industrial and grain milling, and concrete barriers and other flagging equipment used in construction projects. Operations contemplated by this classification include, but are not limited to, the service, repair or demonstration of machinery and equipment at the dealer's premises or customer's site, and delivery to the customer's location. Establishments subject to this classification will occasionally service or repair other equipment such as farm trucks, owned by their customers, which is considered incidental to their main activity and is included in this classification. For the convenience of their customers, the parts departments of establishments subject to this classification frequently will carry a substantial inventory of automobile parts which is also included in this classification. Establishments subject to this classification usually have a large inside showroom to display their machinery, and accessories. Large

pieces of machinery and equipment and used machinery and equipment usually are displayed on outside fenced lots. The variety of merchandise carried by a machinery and equipment dealer will vary with the needs of the particular geographical area and the market being served. Included within this classification is the rental and installation of temporary fences and regional sales and/or service representatives who provide factory service or training to local dealers and other customers.

This classification excludes installation of plant equipment such as that found in printing plants, feed mills, canneries, and sawmills, which is to be reported separately in classification 0603; farm machinery and equipment dealers who are to be reported separately in classification 6408; dairy equipment and supply dealers who are to be reported separately in classification 6407 for their "store" operations and classification 0603 for the installation, service, or repair of their machinery and equipment; wind machine dealers who are to be reported separately in classification 0603 for all field work such as tower erection, hooking up generators and motors, installing gear boxes, and installing propane or diesel fuel tanks, as well as regular maintenance or repair work; and establishments that repair buses, semi trucks and tractors, and construction equipment, but who are not involved in the sale of them, which are to be reported separately in classification 3413.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-71301 Classification 6410.

~~((Janitorial supply dealers
This classification includes outside sales personnel and delivery drivers.))~~

6410-02 Janitorial supply dealers

Applies to establishments engaged in wholesale and/or retail distribution of janitorial supplies. Janitorial supply dealers generally sell to cleaning service companies, hospitals, schools and government agencies. A small portion of their business may involve retail sales to walk-in customers. Typical products sold include, but are not limited to, aerosols, brushes, carpet cleaning products, cleaners, strippers, deodorizers, floor sealers, polishes, paper products, toilet tissue, paper towels, hand cleaners, dispensers, waxes, mops, buckets, and floor or carpet cleaning equipment. Orders may be taken by employees who work inside the store room, by outside sales personnel, or by route drivers, all of whom are included in this classification.

This classification excludes janitorial cleaning services which are to be reported separately in classification 6602.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-714 Classification 6501.

~~((Barber shops
Beauty parlors
Cosmetologists and electrolysis studios
Sun-tanning parlors~~

~~This classification includes clerical office and sales personnel.)~~

6501-00 Barber shops

Applies to establishments engaged in providing barber and hair cutting services which may be performed in the shop, at the customer's home, or in hospitals. Barber services contemplated by this classification include, but are not limited to, shampooing and cutting hair, shaving or trimming mustaches or beards, and facials. Unique to this industry is the "booth renter." A booth renter performs cosmetology, barbering, or manicuring services in a shop, but is not an employee of the shop owner. They pay a fee for the use of the shop's booth and facilities. Classification 6501-00 applies to booth renters who elect optional coverage. This classification includes clerical office and sales personnel.

6501-01 Beauty parlors; sun tanning parlors

Applies to establishments engaged in providing beauty parlor or sun tanning parlor services which may be performed at the shop, at the customer's home, or in hospitals. Beauty parlor services contemplated by this classification include, but are not limited to, shampooing, cutting, styling or dyeing hair, manicures, pedicures, facials, and the use of body toning equipment. Indoor sun tanning booths may be operated as part of a beauty shop or conducted as a separate business. Unique to this industry is the "booth renter." A booth renter performs cosmetology, barbering, or manicuring services in a salon, but is not an employee of the salon owner. They pay a fee for the use of the salon's booth and facilities. Classification 6501-01 applies to booth renters who elect optional coverage. This classification includes clerical office and sales personnel.

This classification excludes establishments engaged exclusively as nail salons which are to be reported separately in classification 6501-02.

6501-02 Cosmetologists and electrolysis studios; tattoo parlors; nail salons

Applies to establishments engaged in cosmetology and electrolysis services and to tattoo parlors or nail salons. Cosmetologists provide personalized instructions on the application of cosmetics. Some offer "permanent cosmetic" services such as, but not limited to, application of permanent eyeliner or restructuring eyebrows. Electrolysis involves the removal of facial or body hair by destroying hair roots with an electrified needle. Nail salons may specialize in the application of artificial fingernails. This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-715 Classification 6502.

- ~~((Banking~~
- ~~Check cashing services~~
- ~~Credit unions~~
- ~~Financial institutions, N.O.C.~~
- ~~Investment companies~~
- ~~Loan companies~~
- ~~Mortgage companies~~

- ~~Savings and loan associations~~
- ~~Stock brokers and escrow companies~~

~~This classification includes clerical office and sales personnel.)~~

6502-00 Banks; credit unions; savings and loan associations

Applies to establishments engaged in providing banking and related financial services. Services include, but are not limited to, establishing and servicing checking and savings accounts, telephone, computer and in-person fund transfers, lending, vending certificates of deposit and savings bonds, providing financial consulting services and estate planning, and providing supplemental services such as automatic teller machines (ATMs) and credit cards, currency exchange, cashier and travelers checks, notary public services, and safe deposit box rentals. This classification includes clerical office and sales personnel.

This classification excludes establishments engaged in providing armored car or on-premises security which are to be reported separately in the applicable services classification.

6502-05 Mortgage companies; financial or investment companies, N.O.C.

Applies to establishments engaged in providing financial or investment services not covered by another classification (N.O.C.). This classification also applies to establishments engaged in extending credit in the form of mortgage loans by originating mortgage or real estate construction loans, selling mortgage loans to permanent investors, and servicing the loans, and to establishments that offer check cashing services. This classification includes clerical office and sales personnel and staff inspectors who authorize release of funds on construction loans.

This classification excludes mortgage brokers who are to be reported separately in classifications 4904 and 6303. Mortgage brokers do not originate loans, but provide the service of finding lenders for people who need loans.

6502-06 Stock brokers

Applies to establishments engaged in brokering stocks and other related securities. Establishments subject to this classification act as agents in the buying, selling, or exchanging of securities such as, but not limited to, stocks, mutual funds, annuities, bonds and commodity contracts for their clients. Their "full-service" usually extends to financial planning advice, arranging for IRA and KEOGH accounts, money market accounts, tax free bonds, and related financial investments. This classification also includes "investment bankers" who are primarily engaged in originating, underwriting, and distributing securities, buying and selling commodity contracts for their own account or for the account of others, and buying, selling, or trading in stocks, stocks options, bonds, or commodity contracts. This classification includes clerical office and sales personnel.

6502-07 Escrow companies

Applies to establishments engaged in providing escrow and/or title search services to the general public. They may be known either as "escrow companies" or "title companies." An escrow company is a third party who holds in custody a

PERMANENT

written agreement such as a deed or bond (escrow) which does not become effective until certain conditions are fulfilled by the grantee. Title companies conduct title searches to ensure there are no liens against property; if there are no liens, they issue a title insurance policy; if there are liens they make them known to potential buyers. Establishments subject to this classification typically provide both escrow and title search services which include the issuance of title insurance, collection and disbursement of funds for which they are custodians, providing closing of documents for the purchase of real estate, and preparing and filing the documents at the appropriate municipal offices. This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-716 Classification 6503.

~~((Labor unions or employee representative associations This classification includes all employees including any official representatives.))~~

6503-00 Labor unions or employee representative associations

Applies to establishments engaged as labor unions or employee representative associations. This classification applies to the employees of the union or association itself as opposed to the members that they represent, who are employees of other businesses. These establishments act as bargaining agents for others; they maintain membership records, collect dues, and negotiate contracts. This classification includes labor union officials, business agents, organizers and other employees with combined inside and outside duties.

This classification excludes clerical office employees who may be reported separately in 4904 if the conditions of the standard exception general reporting rule are met.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-717 Classification 6504.

~~((Stores—welfare—such as Goodwill or Salvation Army This classification includes collecting, conditioning and resale of donated used household articles.))~~

6504-00 Stores: Charitable or welfare

Applies to those employees of a charitable or welfare organization who are engaged in operating a store. Stores of this type usually deal in used merchandise such as, but not limited to, clothing, household appliances, toys, housewares, furniture, and garden tools that has been donated to the organization. Work contemplated by this classification includes, but is not limited to, the collection of donated items from locations away from the store, conditioning donated items, stocking and cleaning the store, and cashiering. Conditioning is limited to cleaning, reupholstery work, and minor repairs; it does not include major mechanical repairs or refinishing furniture.

This classification excludes establishments engaged in repairing and selling used appliances which are to be reported

separately in classification 0607; and all other employees of the charitable or welfare organization not employed in the store who are to be reported separately in the classification applicable to the work performed.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-718 Classification 6505.

~~((Welfare special works program~~

~~Use of this classification will be limited to nonprofit organizations that administer special training block grant moneys which are used to provide eligible unemployable candidates work experience. "Work experience" for the purpose of this rule shall mean activities performed under direct and close supervision for a limited period of time, usually less than six months, wages or remuneration for which is paid by the referring or sponsoring organization without reimbursement from the person or entity in whose workplace the activities are performed.))~~

6505-00 Welfare special works program

Applies to certain "employees" of nonprofit establishments engaged in finding work experience for individuals who are in need of job training or skill enhancement to make them employable or more competitive in the job market. Establishments that qualify for this classification will solicit the participation of other businesses by offering the services of one of these individuals cost-free for a limited length of time, usually less than six months. During that period the business person who has agreed to participate will supply the opportunity for work experience and the supervision of the work being performed while wages will be paid by the sponsoring organization (the establishment that qualifies for this classification). These wages come from training block grant moneys (usually a government grant) which have been provided for this purpose. State agencies, such as the employment security department, and nonprofit job counselors are typical sponsors of these programs. Work contemplated by this classification may be found in any type of work environment.

This classification excludes the permanent administrative and clerical employees of the sponsoring organization who are to be reported separately as applicable.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-719 Classification 6506.

~~((Film exchanges—commercial type movie theatre films excluding video cassettes which are to be separately rated~~

~~Film print shops including developing and printing~~

~~Microfilming~~

~~Photograph studios including outside photographers~~

This classification excludes drivers who are to be reported separately in classification 1101, "delivery by combined wholesale and retail stores.")

6506-00 Photography studios

Applies to establishments engaged in the operation of photography studios. Photographers use a wide range of still and motion cameras; services include both sitting portraits and motion pictures of special events, and are photographed in the studio or at outside locations. Photographers may develop and print photographs in their own studio darkrooms, or they may contract out to an independent photo finishing shop. Studios may also offer services such as retouching negatives, restoration work, mounting and framing pictures, and enlarging photographs. This classification includes glamour and boudoir photography studios which often have a salon where clients have their hair styled and make-up applied. This classification also includes booths, usually located in malls, that will produce photography novelty items such as, but not limited to, cups, shirts and calendars from photographs. Photographs may be taken on location or the customer may bring a picture or negative in to have the image applied to the particular item. Video taping services performed in connection with photography studios is included in this classification.

This classification excludes delivery drivers who are to be reported separately in classification 1101; and establishments engaged in video taping services not in connection with photography studio operations which are to be reported separately in classification 6303.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6506-01 Film processing shops

Applies to establishments engaged in processing film. Operations include, but are not limited to, processing film, reproducing negatives, prints or slides, enlarging pictures, mounting and finishing, storing and mixing chemicals, and inspecting and packaging finished products. Finishing processes may be manual or automated. These shops may offer retail type film developing services to commercial laboratories that provide mass film developing and/or one-hour processing services.

This classification excludes delivery drivers who are to be reported separately in classification 1101.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6506-02 Motion picture film exchanges

Applies to establishments engaged in the operation of motion picture film exchanges. These exchanges receive fully processed movie films from producers, which they catalogue and store for subsequent rental or sale to commercial movie theaters, television networks, or other groups. Film exchanges have a projection room where customers may view the film before they book it. When rented films are returned, they are inspected and repaired as necessary.

Repair usually consists of cutting out damaged section and splicing the film with special adhesive and pressure.

This classification excludes delivery drivers who are to be reported separately in classification 1101 and video rental stores which are to be reported separately in classification 6406.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

6506-03 Microfilming

Applies to establishments engaged in providing micro-filming services for others. Microfilming reproduces and preserves documents onto film in greatly reduced sizes to allow the storage of information in less space. Documents are photographed; the film is developed in automatic processing units, then stored on reels or cartridges or cut into microfiche. Establishments subject to this classification usually offer related services such as, but not limited to, advice on setting up micrographic systems, the sale or rental of supplies or equipment, storage facilities, keypunch services, film restoration, and/or the destruction of source materials.

This classification excludes drivers who are to be reported separately in classification 1101.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-722 Classification 6509.

((Adult family homes
Boarding homes and centers, N.O.C.
Boarding houses
Foster homes
Fraternity houses
Orphanages
Rooming houses
Sorority houses.))

6509-04 Boarding homes and centers, N.O.C., adult family homes, rooming houses, foster homes, and orphanages

Applies to establishments engaged in providing residential and social care for children, aged, and special categories of persons who are ambulatory and for whom medical care is not a major element. This classification includes, but is not limited to, alcohol and drug rehabilitation centers, shelters for the homeless, safe houses for abused women and children, orphanages, homes for mentally, emotionally, physically, and developmentally disabled individuals, adult family homes, and group homes as well as halfway homes for delinquents and offenders. Alzheimer care facilities are also included in this classification. Work contemplated by this classification includes meal service, linen service, house-keeping and transportation. Medical care includes only the administration of drugs.

This classification excludes convalescent, assisted living, and nursing homes which are to be reported separately in classification 6108.

6509-05 Fraternity or sorority houses

Applies to establishments providing living accommodations to only those college and university students who are members of the fraternity or sorority. Fraternities and sororities operate as independent political, economic and social organizations within the guidelines of the college. Fraternity and sorority houses normally have all the amenities of a home-kitchen, living room, dining room, bedrooms and bathrooms. Chapter houses may also have a party room with floor space for social functions and a Chapter room which are a combination library, study, meeting and trophy room. Employments contemplated by this classification includes house directors who supervise and manage facility, cooks, helpers and facilities maintenance.

6509-07 Retirement centers

Applies to establishments engaged in operating retirement centers which cater to the elderly by offering an independent life style in a communal environment. Differing from a boarding home, a retirement center will usually offer a studio, one bedroom or two bedroom apartments as opposed to a single room. Most offer a full service dining area for all meals, exercise programs for individuals or groups, a hairdresser, gift shop, housekeeping/laundry service, a full social/activity program, security, as well as assisted living services. Assisted living services, if offered, include, but are not limited to, assistance in maintaining the resident's schedule for prescription medication, transportation for medical appointments, and 24 hour on-call emergency assistance. On-call emergency services may be provided by a full-time nurse who can assess situations and summon a doctor or ambulance as necessary.

Special note: Residents of a retirement center are capable of an independent lifestyle and do not require an on-site physician or personal care services. Businesses engaged in providing temporary or permanent residences which provide various levels of medical and personal care services such as feeding, bathing, and personal hygiene are to be reported separately in classification 6108.

NEW SECTION

WAC 296-17-72201 Classification 6510.

6510-00 Domestic servants employed in or about the private residence of a home owner

Applies to individuals employed by a home owner to provide domestic services in the home owner's private residence. This classification includes services such as, but not limited to, cooking, housekeeping, caring for children, running errands, shopping, and transporting members of the household by vehicle to appointments, after school activities, or similar activities.

This classification is subject to the provisions of RCW 51.12.020 - Employments excluded - which states in part: "The following are the only employments which shall not be included within the mandatory coverage of this title: Any

person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment." This classification is also subject to the provisions of RCW 51.12.110 which allows the employer to elect optional coverage for domestic servants.

This classification excludes chore services which are to be reported separately in classification 6511; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110.

NEW SECTION

WAC 296-17-72202 Classification 6511.

6511-00 Chore services

Applies to establishments engaged in providing chore workers/home care assistants to private individuals. The services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-723 Classification 6601.

~~((Armored car services
Crowd control services
Detective agencies
Merchant police or patrol
Security guard agencies
Security guard at logging or construction sites as allowed for in WAC 296-17-441(1)-))~~

6601-00 Detective agencies

Applies to establishments engaged in providing investigative and related services for others. Services include, but are not limited to, investigating corporate embezzlement and fraud, employee theft, insurance fraud, missing person cases, matrimonial or child custody disputes, conducting background checks, tracking and apprehending fugitives, monitoring burglar or fire alarm systems, or provide polygraph testing or fingerprinting services. Investigative methods include checking public records, conducting interviews, surveillance, and undercover operations. As a general rule, the detective agency provides clients with a final report, which includes documentation, photographs, or videotapes.

This classification excludes establishments engaged in providing customer shoplifting surveillance within retail stores which are to be reported separately in classification 6601-01 and surveillance employees hired as direct employees of a nondetective or security agency who are to be reported separately in the classification applicable to the establishment.

6601-01 Merchant police or patrol

Applies to establishments engaged in providing security services to shopping centers, malls, business parks, banks and other businesses. Services include, but are not limited to, monitoring parking lots and garages, maintaining public security in malls, hospitals, and banks, providing surveillance for theft or shoplifting, and monitoring alarm systems.

This classification excludes detective agencies which are to be reported separately in classification 6601-00 and security guard services which are to be reported separately in classification 6601-02.

6601-02 Security guard agencies

Applies to establishments engaged in providing general security guard services for clients such as airports, commercial, industrial, residential and governmental facilities. Services include, but are not limited to, protecting persons or buildings, responding to fire or burglar alarms, protecting and/or transporting executives, providing security at strikes, and conducting electronic sweeps. The clients' security systems may be connected to a central security system of the security guard agency, where employees of the security guard agencies monitor the client's systems and notify the appropriate authorities if necessary. As a general rule, security guards, do not have police powers.

This classification excludes security guards at logging sites who are to be reported separately in classification 6601-03 and security guards at construction sites who are to be reported separately in classification 6601-04 provided the conditions in the special exception section of the general rules have been met.

6601-03 Security guards at logging sites

Applies to employees of logging contractors or landowners who are employed as security guards to maintain security at logging sites by preventing, deterring and detecting crime and/or fires. Security guards subject to this classification are limited to employment at the site only during those hours that the employer is not conducting any other operations at the site and may have no other duties during their shift as security guard. This classification also applies to establishments that contract to provide security guards at logging sites.

6601-04 Security guards at construction sites

Applies to employees of construction contractors or landowners who are employed as security guards to maintain security at construction sites by preventing, deterring and detecting crime and/or fires. Security guards subject to this classification are limited to employment at the site only during those hours that the employer is not conducting any other operations at the site and may have no other duties during their shift as security guard. This classification also applies

to establishments that contract to provide security guards at construction sites.

6601-05 Armored car services

Applies to establishments engaged in armored car services which transport cash or valuables for businesses such as, but not limited to, banks, supermarkets, and jewelry stores to other destinations. Also included are armored car services which collect or deposit money into or from automatic teller machines.

6601-06 Crowd control services

Applies to establishments engaged in providing crowd control services. Crowd control services is a growing field and may include, but not be limited to, crowd management at sporting events, race tracks, live concerts, rallies, conventions, rodeos, and fairs. This classification includes parking lot staff, and rule enforcement employees such as uniformed or plain clothes security guards who maintain order as well as providing personal protection.

This classification excludes theatre ushers, inside ticket takers, set up crews and stagehands who are to be reported separately in classification 4504.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-724 Classification 6602.

~~((Janitorial cleaning services, N.O.C. — including contract window cleaning~~

~~Janitors, N.O.C.~~

~~Pest control. This category applies to operations involved in the control and extermination of pests by the use of pesticides, rodenticides and fumigants~~

~~Portable cleaning and washing, N.O.C. — includes auto and truck washing, recreational vehicles and mobile homes. This category will include roof cleaning and washing of single story buildings, but only if the washing is not incidental to painting or roof repair~~

~~Residential cleaning or residential janitorial services~~

~~Swimming pool cleaning~~

~~Termite control. This category applies to operations involved in the control and extermination of termites and other wood-destroying pests or organisms by fumigation or spraying of poisonous insecticides. Does not include structural repair~~

~~Window washing services.))~~

6602-02 Contract window washing services

Applies to establishments engaged in contract window washing services not done in connection with a janitorial service. These establishments specialize in cleaning both interior and exterior windows in residential and commercial, single and multistory buildings.

This classification excludes establishments engaged in residential cleaning which are to be reported separately in classification 6602-04 and establishments engaged in both commercial and residential cleaning which are to be reported separately in classification 6602-03.

6602-03 Janitorial cleaning services, N.O.C.

Applies to establishments engaged in providing general interior cleaning services for commercial businesses or for combined commercial and residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances, and replacing light globes, paper or linen towels. This classification includes window washing when performed by the janitorial service employees in conjunction with a general house cleaning contract, it also includes the cleaning of swimming pools, spas and hot tubs. Fire restoration, which includes cleaning smoke or water damaged buildings, drying and/or cleaning carpets and upholstered furniture, washing and polishing furniture, washing walls, washing and waxing floors, cleaning personal contents of the home or business such as linens, dishes, drapes, and other general cleaning tasks, are included in this classification.

This classification excludes establishments engaged exclusively in contract window washing services which are to be reported separately in classification 6602-02; establishments engaged in residential cleaning which are to be reported separately in classification 6602-04; and establishments that specialize in the cleaning of ceiling tiles which are to be reported separately in classification 0504.

Special note: Care should be exercised with companies specializing in fire restoration or water damage related work. These companies may be general contractors who will not only do the clean up work, but will also do repairs such as, but not limited to, repair or replace cabinets, doors, and fixtures, patch drywall, paint, and replace windows. Construction-related tasks, when performed by a company doing the clean up work, are to be assigned the appropriate construction classification. Each contract should be reviewed to determine the proper classification assignment.

6602-04 Janitorial cleaning services - residential

Applies to establishments engaged in providing general interior janitorial cleaning or services to residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances. This classification includes window cleaning when performed in connection with a general house cleaning contract.

This classification excludes establishments engaged exclusively in contract window cleaning which are to be reported separately in classification 6602-02 and establishments engaged in commercial or combined commercial and residential cleaning which are to be reported separately in 6602-03.

6602-05 Janitors, N.O.C.

Applies to the janitorial staff assigned to clean the clerical and administrative offices of establishments whose principal business undertaking is other than providing janitorial services and who are eligible to report their clerical employ-

ees in classification 4904. This classification is applicable only to janitors who clean the office area. Janitors who clean outside the office area such as a shop, warehouse, or retail store area, are excluded from this classification and are to be reported separately in the classification applicable to the employer's business.

Special note: See the special exception section of the general rules for a complete description of these requirements.

6602-08 Pest control

Applies to establishments engaged in pest control services for others. These establishments offer inspection for, and elimination of, unwanted pests in buildings and other wooden structures. Pests include, but are not limited to, termites, carpenter ants, fleas, ticks, mice, ants, cockroaches, and bees. This classification applies to all operations of elimination services such as, but not limited to, spraying liquid or aerosol pesticide, dusting with powder, setting out traps or bait, applying pesticides to the soil to creating a chemical barrier around the base of a structure, digging trenches around foundations, and drilling holes through masonry surfaces in order to pour or pump chemicals into the infected areas. Establishments may also offer inspection and certification services for customers seeking mortgage approval.

This classification excludes any structural repairs which are to be reported separately in the appropriate construction classification.

6602-10 Portable cleaning and washing, N.O.C.

Applies to establishments engaged in cleaning and washing services not otherwise classified (N.O.C.). This classification contemplates cleaning and washing, by means of portable spray or steam power units, machinery, equipment, automobiles, trucks, recreational vehicles, mobile homes, walk-in freezers, and shopping carts. This classification also applies to the cleaning or removal of snow from roofs, gutters or downspouts of one-story buildings.

This classification excludes establishments engaged in cleaning buildings or structures, cleaning or removing snow from roofs, gutters, and downspouts on multistory buildings, which are to be reported separately in classification 0504.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-725 Classification 6603.

~~((Auction sales, all types, excluding livestock auctions and sales yards rated in risk classification 4304 (WAC 296-17-633)~~

~~This classification includes clerical office and sales personnel.))~~

6603-00 Auction sales: Industrial or commercial equipment or machinery

Applies to establishments engaged in auction sales of industrial or commercial plant equipment or machinery such as, but not limited to, tractors, farm implements, backhoes, cranes, booms, asphalt pavers, trailers, conveyors, stone crushers, lifts, bulldozers, forklifts, dump trucks, and logging equipment. Auctions are held at the auctioneer's permanent

location or at the client's place of business. Work contemplated by this classification includes, but is not limited to, picking up merchandise from clients, advertising, preparing catalog listings of items for auction, preparing the auction site, demonstrating equipment at preauction inspections, estimating values, ensuring that there is title for the goods, numbering and tagging items into lots, conducting the auction, and receiving payment from buyers and paying the consignor. This classification includes clerical office and outside sales personnel, snack bars, concession stands, and lunch counters when operated by employees of the auction company.

This classification excludes establishments engaged as equipment or machinery dealers which are to be reported separately as applicable.

6603-01 Auction or estate sales: Antiques or general household furnishings

Applies to establishments engaged in auction or estate sales of collectibles and antiques or of general household furnishings such as, but not limited to, furniture, pictures, vases, dishes, musical instruments, books, clothing, or lawn and garden furniture, ornaments, tools and equipment. Auctions are held at the auctioneer's permanent location or at the client's location. Work contemplated by this classification includes, but is not limited to, picking up merchandise from clients, advertising, preparing catalog listings of items for auction, preparing the auction site, opening boxes with razor blades and knives, moving merchandise with the use of hand carts, estimating values, ensuring that there is title for the goods, numbering and tagging items into lots, conducting the auction, and receiving payment from buyers and paying the consignor. This classification includes clerical office and outside sales personnel, snack bars, concession stands, and lunch counters when operated by employees of the auction company.

This classification excludes establishments engaged as antique variety stores which are to be reported separately in classification 6304.

6603-02 Auction sales: Specialty merchandise

Applies to establishments engaged in auction sales of specialty merchandise such as, but not limited to, fine art, furs, collectibles, cars and trucks. Auctions are held at the auctioneer's permanent location or at the client's place of business. Depending on the value of items, these types of auctions may operate on a wholesale only basis, or for dealers or qualified buyers only. Work contemplated by this classification includes, but is not limited to, picking up merchandise from clients, advertising, preparing catalog listings of items for auction, preparing the auction site, opening boxes with razor blades and knives, moving merchandise with the use of hand carts, estimating values, ensuring that there is title for the goods, numbering and tagging items into "lots," conducting the auction, and receiving payment from buyers and paying the consignor. This classification includes clerical office and outside sales personnel, snack bars, concession stands, and lunch counters when operated by employees of the auction company.

This classification excludes establishments engaged as stores or dealers which are to be reported separately as applicable.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-726 Classification 6604.

~~((Lens manufacturing—ground and polished lenses
Optical goods manufacturing, N.O.C.~~

~~Telescope manufacturing—with lens grinding~~

~~This classification includes clerical office and sales personnel.))~~

6604-00 Lens: Manufacturing, grinding and polishing

Applies to establishments engaged in the manufacture of precision lenses for their own sales, or for other retailers such as optometrists and opticians. Glass and plastic blanks (or roughs), emery, polishing rouge are received from others. Blanks are heated, placed in molds, formed, annealed (tempered), and ground to curvature, size, gauge and thickness on grinding machines. Using precision lathes with diamond cutting tools, lenses are centered, trimmed, and beveled, then buffed, washed, and inspected. This classification also applies to the manufacture of contact lenses and artificial eyes which are usually molded from acrylics, and/or cut and polished. This classification includes clerical office and sales personnel.

This classification excludes optical dispensary stores that do no lens grinding which are to be reported separately in classification 6308 and establishments engaged in the manufacture of glass which are to be reported separately in classification 3503.

6604-01 Optical goods: Manufacturing, N.O.C.

Applies to establishments engaged in the manufacture of optical goods not covered by another classification (N.O.C.), such as, but not limited to, eye glasses, opera glasses, field glasses, goggles and telescopes. Glass and plastic blanks (or roughs), emery, polishing rouge, steel, silver and gold wire rod or tube, sheet plastic and metal are received from others. Blanks are heated, placed in molds, formed, annealed (tempered), and ground to curvature, size, gauge and thickness on grinding machines. Using precision lathes with diamond cutting tools, lenses are centered, trimmed, and beveled, then buffed, washed, and inspected. Assembly is completed by mounting the lenses into frames. This classification includes the shaping of the frames from raw materials or products may be assembled from component parts received from others. This classification includes clerical office and sales personnel.

This classification excludes optical dispensary stores that do no lens grinding which are to be reported separately in classification 6308; establishments engaged in the precision grinding of lenses or the grinding of blank lenses to curvature and size or the manufacture of contact lenses or artificial eyes, which are to be reported separately in classification 6604-00; and establishments engaged in the manufacture of glass which is to be reported separately in classification 3503.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-727 Classification 6605.

~~((Actors and performers, N.O.C.
Dance halls—all employment, N.O.C.
Musicians, N.O.C.~~

~~This classification includes actors, performers, players and musicians of theaters but excludes entertainers such as ballet, dance, gymnastics, ice dance/skate performers which are to be reported separately [in] classification 6620.))~~

6605-00 Actors and performers, N.O.C.

Applies to establishments or individuals providing performances that are not of a physical or strenuous nature, and who are not specifically covered by another classification (N.O.C.). For purposes of this classification, entertainment that is not physical or strenuous includes, but is not limited to, comedians, magicians or clowns at parties, or nightclubs. Physical or strenuous activities which are not covered by this classification include, but are not limited to, ballet, dancing, skating, gymnastics, or performing stunts.

This classification excludes actors, players, performers, entertainers, or musicians whose routines or performances are of a physical or strenuous nature who are to be reported separately in classification 6620; players, entertainers or musicians N.O.C., hired by theatres, who perform nonstrenuous routines or performances who are to be reported separately in classification 6605-03; musicians performing nonstrenuous routines or performances at dance halls who are to be reported separately in classification 6605-04; musicians, N.O.C. performing nonstrenuous routines or performances who are to be reported separately in classification 6605-01; entertainers engaged in television or radio company operations who are to be reported separately in classification 4502; and entertainers engaged in motion picture production company operations who are to be reported separately in classification 6608.

Special note: Classifications 6620 and 6605 may be assigned to a single establishment provided the establishment maintains accurate records which distinguishes actors and performers whose routines are of a physical and strenuous nature, from the routines which are not physical or strenuous. Care should be exercised when assigning this classification as the actors and performers may be exempt from coverage as specified in RCW 51.12.020(9).

6605-01 Musicians, N.O.C.

Applies to establishments or individuals engaged as musicians whose entertainment is not of a physical or strenuous nature, and who are not specifically covered by another classification (N.O.C.). For purposes of this classification, entertainment that is not physical or strenuous includes disk jockeys or members of a musical band playing at nightclubs, concerts, or other events, as well as members of the entertainer's road crew who set up or disassemble musical equipment or sound systems. Physical or strenuous activities which are not covered by this classification include, but are not limited to, ballet, dancing, skating, gymnastics or performing stunts.

This classification excludes actors, players, performers, entertainers or musicians whose routines or performances are of a physical or strenuous nature who are to be reported separately in classification 6620; players, entertainers or musicians hired by theatres performing nonstrenuous routines or performances who are to be reported separately in classification 6605-03; actors or performers performing nonstrenuous routines or performances who are to be reported separately in classification 6605-00; musicians performing nonstrenuous routines or performances at dance halls who are to be reported separately in classification 6605-04; entertainers engaged in television or radio company operations who are to be reported separately in classification 4502 and entertainers engaged in motion picture production company operations who are to be reported separately in classification 6608.

Special note: Classifications 6620 and 6605 may be assigned to a single establishment provided the establishment maintains accurate records which distinguishes musicians whose routines are of a physical and strenuous nature, from the routines which are not physical or strenuous. Care should be exercised when assigning this classification as the musician may be exempt from coverage as specified in RCW 51.12.020(9).

6605-03 Players, entertainers and musicians hired by a theatre, N.O.C.

Applies to establishments or individuals engaged as players, entertainers, and musicians who are hired by theatres to provide entertainment of a nonphysical or strenuous nature, and who are not covered by another classification (N.O.C.). For purposes of this classification, entertainment that is not physical or strenuous includes players, entertainers, and musicians in theatrical productions such as plays, programs, or operas. Physical or strenuous activities which are not covered by this classification include, but are not limited to, ballet, dancing, skating, gymnastics, or performing stunts.

This classification excludes actors, players, performers, entertainers or musicians whose routines or performances are of a physical or strenuous nature who are to be reported separately in classification 6620; actors and performers performing non strenuous routines or performances who are to be reported separately in classification 6605-00; musicians, N.O.C. performing nonstrenuous routines or performances who are to be reported separately in classification 6605-01; entertainers engaged in television or radio company operations who are to be reported separately in classification 4502; and entertainers engaged in motion picture production company operations who are to be reported separately in classification 6608.

Special note: Classifications 6620 and 6605 may be assigned to a single establishment provided the establishment maintains accurate records which distinguishes players, entertainers and musicians whose routines are of a physical and strenuous nature, from the routines which are not physical or strenuous. Care should be exercised when assigning this classification as the players, entertainers and musician hired by a theatre may be exempt from coverage as specified in RCW 51.12.020(9).

6605-04 Dance halls, N.O.C.

Applies to establishments engaged in operating dance halls that are not covered by another classification (N.O.C.). Establishments contemplated by this classification may provide only the dance hall facility, or may also provide disc jockey services or live musicians, singers, and/or dancers. Some charge a cover charge; some will allow customers to bring their own beverages and/or snacks. This classification applies to all employees including, but not limited to, bouncers, security personnel, attendants, and food and beverage servers.

This classification excludes entertainers or musicians whose routines or performances are of a physical or strenuous nature who are to be reported separately in classification 6620; and lounges or restaurants that provide entertainment for customers which are to be reported separately in classification 3905.

Special note: Care should be exercised when assigning this classification as the entertainers or musicians may be exempt from coverage as specified in RCW 51.12.020(9).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-729 Classification 6607.

~~((Billiard halls
Card rooms and bingo parlors
Recreational, social and community centers, N.O.C.
This classification includes food and beverage operations.))~~

6607-00 Card rooms; bingo parlors or casinos

Applies to establishments engaged in operating card rooms, bingo parlors, or casinos. To qualify for this classification, card rooms must be run as a separate operation when located in a tavern or Class H restaurant. If the food and beverage service is provided by the tavern or restaurant for the convenience of the card room operation, then the waiters/waitresses are to be reported separately in the appropriate tavern or restaurant classification. This classification includes employments such as, but not limited to, dealers, security floor managers, janitorial and maintenance staff, and food and beverage operations. Bingo parlors and casinos are usually operated by Native American tribal organizations or by nonprofit organizations to raise funds for charity. This classification applies to any workers these organizations employ to operate bingo or casino games. Typical employments include, but are not limited to, game attendants and helpers, money collectors, callers, card dealers, janitorial and maintenance staff, and food and beverage operations.

Special note: Coverage for Native American tribes conducting a bingo operation is subject to jurisdictional policy.

6607-01 Billiard or pool halls

Applies to establishments engaged in operating billiard or pool halls. This classification *could* apply to the operation of a billiard or pool hall in connection with another enterprise, such as a bowling alley or skating rink, but *only* if it is conducted as a separate and distinct operation. This classification includes, but is not limited to, counter personnel who collect money for the rental of billiard and pool equipment,

rackers, food and beverage operations, and janitorial and maintenance staff.

This classification excludes clerical office and outside sales personnel who may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met; billiard or pool tables that are provided as part of a bowling center, tavern, or restaurant operation which are to be reported separately in the applicable classification.

6607-02 Recreational, social or community centers, N.O.C.

Applies to establishments engaged in operating recreational, social or community centers not covered by another classification (N.O.C.) such as, but not limited to, senior centers, community centers for minors, and adult social establishments. These organizations may target a particular age or cultural group. Organizations may provide educational workshops, social interaction, drug prevention programs, crafts and limited physical recreational activities. This classification includes food or beverage operations provided by the center. Organizations in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.

This classification excludes YMCA's and boy/girls clubs which are to be reported separately in classification 6203; health clubs and gymnasiums which are to be reported separately in classification 6204; clubs, N.O.C. such as fraternal organizations which are to be reported separately in classification 6205, and municipal community centers which are to be reported separately in the applicable classification.

6607-03 Indoor playgrounds

Applies to establishments that provide indoor entertainment centers for children. Generally these operations include a playground area consisting of interconnecting tubes, ladders, slides, ball bins, roller slides, and water and/or air beds. The equipment is typically made of plastic, rubber, and/or plexi-glass. Video games may also be available on the premises but generally they are maintained by the game vendor. Typical duties of the employees include, but are not limited to, selling tickets, supervising the playground area, facilitating parties, snack bar operations and light cleaning such as dusting the tubes, vacuuming and cleaning the snack area. The more involved janitorial duties are usually contracted out to a private janitorial firm. Included in this classification is child day care service whereby parents can leave children at the playground for a specific period of time. This service usually places limitations on the time a child may be left at the center.

This classification excludes child day care services not part of an indoor playground operations which are to be reported separately in classifications 6103 and 6104; amusement parks, permanently located kiddie rides, and establishments which provide adult or family sports entertainment, which may include batting cages and miniature golf, which are to be reported separately in classification 6208; and establishments engaged in providing gymnastic training to children which are to be reported separately in classification 6204.

Special note: Normally establishments in this classification do not employ workers who are engaged exclusively in clerical office or sales. However, separate classifications could be assigned provided all the conditions of the general reporting rules covering standard exception employees have been met.

6607-04 Indoor simulated golfing

Applies to establishments engaged in providing computer simulated indoor golf facilities to the public. The operation consists of separate cubicles which house a computer simulated screen and a play area. Customers select a particular course from a list of available courses which are generally exact replicas of famous courses throughout the world. The player hits a golf ball against a canvas screen inside the cubicle; a computer measures the speed and direction of the ball and simulates the shot so the player can view the results on the screen. Facilities may provide a small putting area, a snack area with limited seating, and/or the sale of golf shirts and memorabilia. Typical duties of the workers include monitoring facilities, setting up computers and collecting the admission price, selling memorabilia, food and beverage operations, and light janitorial work.

This classification excludes miniature golf courses and driving ranges which are reported separately in classification 6208.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-730 Classification 6608.

((Motion picture production
This classification includes clerical office and sales personnel.))

6608-00 Motion picture production

Applies to establishments engaged in the production of motion pictures. Elaborate sets are often constructed at the production sites and filmed with cameras mounted on large booms. This classification includes all employment such as, but not limited to, staff who design and construct the sets, actors and entertainers, stunt personnel, camera and lighting personnel, musicians, writers, costume designers, make-up artists, film editing, directors, producers, sales personnel, and clerical office employees.

This classification excludes video taping or production work conducted in a studio or on location for a television broadcasting company which is to be reported separately in classification 4502.

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

WAC 296-17-73105 Classification 6614.

((Parimutuel horse racing: All other employees, N.O.C.—Major tracks

This classification is limited in scope to employees of trainers and/or owners who come under the jurisdiction of the Washington horse racing commission, and who become licensed subject to the Washington horse racing commis-

sion's rules or regulations. This classification covers all on or off track employments of employers subject to this classification, such as: Assistant trainers, pony riders, and exercise riders; but excludes grooms which are to be reported separately in classification 6615. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.))

6614-00 Parimutuel horse racing: All other employees, N.O.C. - major tracks

(to be assigned only by the horse racing underwriter)

Applies to licensed employees of licensed horse trainers and/or horse owners who conduct business at a major parimutuel horse racing track. These tracks are currently Yakima Meadows in Yakima, Playfair in Spokane and Emerald Downs in Auburn. This classification applies to on and off track employees such as assistant trainers, pony riders and exercise riders. Jockeys are considered exercise riders when employed by a trainer and/or owner at a time other than during a scheduled race meet. The dates of a race meet are set for each track by the Washington horse racing commission. Coverage provided in this classification is funded by premiums collected at the time of licensing. Trainers premiums are collected on a per license basis.

This classification excludes licensed grooms working at major tracks who are to be reported separately in classification 6615; unlicensed employees who work only on a farm or ranch who are to be reported separately in classification 7302; and assistant trainers, pony riders and exercise riders working at a fair or bush track who are to be reported separately in classification 6616.

Special note: All employees working at a major track must be licensed by the Washington state horse racing commission.

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

WAC 296-17-73106 Classification 6615.

((Parimutuel horse racing: Grooms—Major tracks
This classification is limited in scope to individuals licensed as grooms by the Washington horse racing commission who are employed by a trainer and/or owner who come under the jurisdiction of and are licensed by the Washington horse racing commission. This classification covers all on or off track activities of grooms employed at major tracks. Employment activities performed by grooms at a fair or bush track are to be reported separately in classification 6617.))

6615-00 Parimutuel horse racing: Grooms - major tracks (to be assigned only by the horse racing underwriter)

Applies to licensed grooms performing services for licensed horse trainers who conduct business at a major parimutuel horse racing track. The major tracks are currently Yakima Meadows in Yakima, Playfair in Spokane and Emerald Downs in Auburn. This classification includes all on or

off track duties of a licensed groom such as, but not limited to, cleaning or mucking horse stalls, feeding, and bathing the horses. For workers' compensation purposes, a groom is considered to be an employee of the trainer who provided the required signature on the grooms application for a license. Coverage provided in this classification is funded by the premiums collected from the trainer at the time of licensing.

This classification excludes licensed grooms working at a fair or bush track who are to be reported separately in classification 6617.

Special note: All employees working at a major track must be licensed by the Washington state horse racing commission.

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

WAC 296-17-73107 Classification 6616.

~~((Parimutuel horse racing: All other employees, N.O.C. Fair meets or bush tracks~~

~~This classification is limited in scope to employees of trainers and/or owners who come under the jurisdiction of the Washington horse racing commission, and who become licensed subject to the Washington horse racing commission's rules or regulations. This classification covers all on or off track employments of employers subject to this classification, such as: Assistant trainers, pony riders, and exercise riders; but excludes grooms which are to be reported separately in classification 6617. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.))~~

6616-00 Parimutuel horse racing: All other employees, N.O.C. - fair meets or bush tracks

(to be assigned only by the horse racing underwriter)

Applies to licensed employees of licensed horse trainers and/or horse owners who conduct business at a fair meet or bush track. This classification applies to on or off track employees such as assistant trainers, pony riders, and exercise riders. Jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during a scheduled race meet. The dates of a race meet are set for each track by the Washington state horse racing commission. Coverage provided in this classification is funded by premiums collected at the time of licensing. Trainer premiums are collected on a per license basis.

This classification excludes assistant trainers, pony riders and exercise riders working at a major track who are to be reported separately in classification 6614; grooms working at a major track who are to be reported separately in classification 6615 and grooms working at a fair or bush track who are to be reported separately in classification 6617.

Special note: All employees working at a fair or bush track must be licensed by the Washington state horse racing commission.

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

WAC 296-17-73108 Classification 6617.

~~((Parimutuel horse racing: Grooms Fair meets or bush tracks~~

~~This classification is limited in scope to individuals licensed as grooms by the Washington horse racing commission who are employed by a trainer and/or owner who come under the jurisdiction of and are licensed by the Washington horse racing commission. This classification covers all on or off track activities of grooms employed at a bush track or fair meet. Employment activities performed by grooms at a major track are to be reported separately in classification 6615.))~~

6617-00 Parimutuel horse racing: Grooms - fair meets or bush tracks

(to be assigned only by the horse racing underwriter)

Applies to licensed grooms performing services for licensed horse trainers who conduct business at a fair meet or bush track. This classification includes all on or off track duties of a licensed groom such as, but not limited to, cleaning or mucking horse stalls, feeding, and bathing the horses. For workers' compensation purposes, a groom is considered to be an employee of the trainer who provided the required signature on the grooms application for a license. Coverage provided in this classification is funded by the premiums collected from the trainer at the time of licensing.

This classification excludes grooms working at a major track who are to be reported separately in classification 6615; assistant trainers, pony riders and exercise riders working at major tracks who are to be reported separately in classification 6614; and assistant trainers, pony riders and exercise riders working at fair meets or bush tracks who are to be reported separately in classification 6616.

Special note: All employees working at a fair meet or bush track must be licensed by the Washington state horse racing commission.

NEW SECTION

WAC 296-17-73109 Classification 6618.

6618-00 Parimutuel horse racing: Special horse racing account (used only by horse racing underwriter)

This classification is *not* to be assigned to any account; no claims are to be charged to it. This classification is *solely* for the collection of fees assessed on horse owner licenses. The horse racing commission collects the fees from horse owners and deposits the money into the special horse racing account to help fund workers' compensation coverage for injured workers. (Payment of this fee is mandatory, but does not extend coverage to owners. Owners may apply for individual coverage.) The owners' fees are based on the percentage of a horse or horses they own, up to a maximum of \$150.00.

AMENDATORY SECTION (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

WAC 296-17-73111 Classification 6620.

~~((Entertainers, N.O.C.~~

~~This classification covers entertainers whose routines and performances are of a physical nature such as but not limited to ballet, dance, gymnastics, and ice dance/skate performers.))~~

6620-00 Entertainers, N.O.C.

Applies to establishments or individuals providing entertainment of a strenuous nature for a fee, donation or free of charge. For classification purposes, strenuous entertainment includes activities such as, but not limited to, ballet, dancing, skating, gymnastics, or performing stunts.

This classification excludes actors, players, performers, entertainers, or musicians whose routines or performances are not of a physical or strenuous nature who are to be reported separately in classification 6605.

Special note: Classifications 6620 and 6605 may be assigned to a single establishment provided the establishment maintains accurate records which distinguishes entertainers whose routines are of a physical and strenuous nature, from the routines which are not physical or strenuous. Care should be exercised when assigning this classification as the entertainers may be exempt from coverage as specified in RCW 51.12.020(9).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-735 Classification 6704.

~~((Parking lot operations including attendants or monitors.))~~

6704-00 Parking lot operations

Applies to establishments engaged in operating parking lots for the temporary parking of customer vehicles in uncovered spaces. Work contemplated by this classification includes, but is not limited to, checking customers in and out, collecting fees, parking customers vehicles at check-in and returning them to customer upon check-out, patrolling and monitoring the area for security purposes, and providing shuttle service in connection with parking lot operations. Parking lot operations subject to this classification do not provide service to the automobiles.

This classification excludes parking/storage garages which are to be reported separately in classification 3406.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-736 Classification 6705.

~~((Excursions—outdoor recreational N.O.C., includes river rides, pack trains, hiking and mountaineering, and including camping operations incidental thereto~~

~~Ski facilities—includes all operations incidental to the operation of the skiing facility such as ski tows parking lots but excludes food service operations, hotel or motel operations, ski rental or ski sales shops~~

~~Ski instructors and ski patrols~~

~~Wind sail board instructors.))~~

6705-00 Ski facilities

Applies to establishments engaged in operating facilities for all types of skiing such as downhill or cross country. Work contemplated by this classification includes, but is not limited to, parking attendants, operation of artificial snow making machines, ski tows and lifts, ski patrols, ski instruction, conducting excursions, trail grooming, and snow compacting when performed by employees of an employer subject to this classification. This classification also applies to establishments that operate facilities for other similar recreational activities such as snow tubing, windboard sailing, and snowmobiling.

This classification excludes ski rental and sales operations which are to be reported separately in classification 6309; overnight lodging facilities which are to be reported separately in classification 4905; food and beverage services which are to be reported separately in classification 3905; ski instructors who are to be reported separately in classification 6705-04 and ticket sales and collection personnel who work exclusively in an office environment or ticket sales booth and have no other duties in or about the employer's premises who may be reported separately in classification 4904.

6705-03 Excursions - outdoor recreational, N.O.C.

Applies to establishments engaged in providing outdoor recreational excursions and guide services that are not covered by another classification (N.O.C.). Outdoor excursions include, but are not limited to, fishing, hunting, hiking, horse-back riding, backpacking, mountain climbing, camping, river rides, white water rafting, and teaching survival skills. Employees of employers subject to this classification will routinely include course instructors and guides who conduct excursions. Work contemplated by this classification may include, but not be limited to, accompanying customers on excursions, teaching first aid, survival skills, hygiene, navigation and other courses in connection with outdoor activities, and maintaining equipment.

This classification excludes snow skiing excursions or wind board sailing instruction which are to be reported separately in classification 6705-04.

6705-04 Ski instructors

Applies to establishments who are engaged in providing instruction only in snow/water skiing, surf boarding, sailing and wind sail boarding. Work contemplated by this classification includes, but is not limited to, providing appropriate equipment (skis, snowboards, canoes, etc.) maintaining the equipment, and teaching the technique. This classification excludes establishments that provide the full scope of ski resort services, with or without ski instructors, which are to be reported separately in classification 6705-00 subject to all appropriate exclusions, and the operation of any other full service resort or campground, with or without instructors, which is to be reported separately as applicable.

6705-05 Ski patrols

Applies to establishments engaged in providing *ski patrolling services only*. Work contemplated by this classification includes, but is not limited to, routine surveillance of a ski facility to ensure safe conditions and sufficient snow

cover, encouraging safe use of the facility by patrons, and conducting search and rescue for lost or injured skiers either by contract with a ski resort or on an on-call basis in an emergency. This classification excludes establishments that provide the full scope of ski resort services, with or without a ski patrol, which are to be reported separately in classification 6705-00.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-737 Classification 6706.

((Athletic teams—operation of premises and care of teams
All employees other than players, umpires, coaches and managers-))

6706-01 Athletic teams: Care of teams and equipment, operation of premises

Applies to employees of athletic teams who are engaged in the care of the team, its equipment, playing field/stadium/arena, and the operation of the premises it owns/leases to house their organization. Work contemplated by this classification includes, but is not limited to, trainers, laundry workers, janitors, stadium lighting and sound, ushers, security, parking attendants, and maintenance of a clubhouse/locker room and grounds when performed by employees of an employer subject to this classification.

This classification excludes players, coaches, managers, referees, and umpires who are to be reported separately in classifications 6707, 6809, or 7102 as applicable; management and maintenance of the stadium/arena by an owner or contractor which is to be reported separately in classification 4910; and ticket sales and ticket takers who work exclusively in an office environment, ticket sales booth or entrances and have no other duties in or about the employer's premises who may be reported separately in classification 4904.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-738 Classification 6707.

((Football teams, N.O.C.

Hockey teams

Roller derbies

Contact sports, N.O.C.

This classification applies to professional contact sports and includes umpires, referees, coaches and managers.))

6707-00 Football teams, N.O.C.

Contact sports, N.O.C.

Applies to players, coaches, referees, and managers employed by a professional football team that is *not a member of the National Football League (NFL)* and professional wrestlers, roller derbies, and professional marital arts competitors and their managers, coaches and referees.

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the playing field/stadium and care of the facility in which the team organization is housed who are to be reported separately in classification 6706, and officials of community or school

amateur sporting events are to be reported separately in classification 6103.

Special note: Teams that are members of the NFL, including players, coaches, referees, and managers, are to be reported separately in classification 7102.

6707-01 Hockey teams

Applies to players, coaches, referees, and managers employed by a professional hockey team.

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the arena/stadium, and care of the facility in which the team organization is housed who are to be reported separately in classification 6706 and officials of community or school amateur sporting events are to be reported separately in classification 6103.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-739 Classification 6708.

((Jockeys

Professional racing drivers-))

6708-01 Jockeys

Applies to jockeys riding horses in a race, or working with the horses in any way, during the dates of a scheduled race meet. Coverage during a race meet is through election of optional coverage and is to be reported at ten hours per mount per race or ten hours per day if not riding in a race. Coverage outside the dates of a race meet is mandatory. Jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet and are then reportable in classification 6614, 6616, or 7302 as appropriate to their job duties.

6708-02 Professional motor vehicle or watercraft race drivers

Applies to professional motor vehicle/water craft race drivers during a competition. Coverage during a competition is mandatory and is subject to a division of hours as provided in the general exclusion section of the general reporting rules.

When not driving during competition, hours worked are reportable as appropriate to the work being performed; maintenance of a racing motor vehicle and/or pit crew operations which is to be reported separately in classification 3411; assembly of a racing motor vehicle which is to be reported separately in classification 3402; maintenance of a racing water craft and/or pit crew operations which is to be reported separately in classification 3414; assembly of a racing water craft which is to be reported separately in classification 2903, 3404 or 3511 as appropriate; and any other work usually done for this employer which is to be reported separately as appropriate to the employees usual job duties.

This classification excludes piloting an aircraft in a race which is to be reported separately in classification 6803 for a plane or 6801 for a hot air balloon.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-740 Classification 6709.

~~((Sheltered workshops
This classification includes clerical office and sales personnel.))~~

6709-00 Sheltered workshops

Applies to persons who are disabled, and to developmentally disabled persons who are enrolled as employees of sheltered workshops. Classification 6709-00 applies regardless of the type of work performed. This classification also applies to all staff who operate sheltered workshops, even if the sheltered workshop also operates a work activity center, and to all staff who operate work activity centers.

This classification excludes persons who are most severely disabled, and to developmentally disabled persons enrolled in work activity centers who are to be reported separately in classification 7309.

Special note: Sheltered workshops may also operate a work activity center at the same location or at a separate site.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-741 Classification 6801.

~~((Airlines, scheduled—all members of the flying crew
Hot air balloon—flight crew.))~~

6801-00 Scheduled airlines - flight crews

Applies to members of flight crews employed by establishments operating scheduled airlines. A scheduled airline will have published fares, definite dates, routes, and times for plane departures and arrivals. Flight crews include, but are not limited to, pilots, co-pilots, navigators and flight attendants.

This classification excludes ground crew operations and ticket sellers who handle baggage who are to be reported separately in classification 6802 and clerical, information, reservation clerks and ticket sellers with no other duties who may be reported separately in classification 4904.

6801-01 Hot air balloon - flight crew

Applies to members of flight crews employed by establishments operating hot air balloon rides.

This classification excludes ground crew operations which are to be reported separately in classification 6802.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-742 Classification 6802.

~~((Airlines, scheduled—ground crew operations
Hot air balloon—ground crew operations
This classification includes ticket sellers who handle baggage.))~~

6802-00 Airlines, scheduled - ground crew operations

Applies to all ground crew employees of establishments operating scheduled airlines. A scheduled airline will have published fares, definite dates, routes, and times for plane

departures and arrivals. Ground crew operations include, but are not limited to, all baggage handlers, ticket sellers who handle baggage and maintenance of the aircraft.

This classification excludes members of the flight crew who are to be reported separately in classification 6801 and ticket sellers, information and reservation clerks and clerical personnel with no other duties who may be reported separately in classification 4904.

6802-01 Hot air balloon - ground crew operations

Applies to ground crew operations of establishments operating hot air balloon rides. Duties include but are not limited to preparing the balloon for flight, hooking the gondola to the balloon and handling the tether lines.

This classification excludes members of the flying crew who are to be reported separately in classification 6801.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-743 Classification 6803.

~~((Aircraft operations, N.O.C.—all members of the flying crew
Flight instruction~~

~~Private aircraft—transportation of personnel in connection with the employer's business. The rule governing standard exceptions does not apply here~~

~~Nonscheduled airlines—flight crew members.))~~

6803-01 Flight instruction

Applies to flight instructors employed by establishments who provide flight instruction services. This classification applies only to the pilot operating or overseeing the aircraft during the flight lesson.

This classification excludes classroom flight instruction which is to be reported separately in classification 6103 and ground crew operations which are to be reported separately in classification 6804.

6803-02 Private aircraft - transportation of personnel in connection with the employer's business

Applies to members of a flight crew who operate private aircraft owned by a business and used for the transportation of company personnel in connection with the company's business. Aircraft operation is subject to the general exclusion section of the general rules which allows all other hours worked by these same personnel to be reported separately in the applicable classification.

This classification excludes ground crew operations which are to be reported separately in classification 6804.

6803-04 Aircraft operations, N.O.C. and nonscheduled airlines - flight crews

Applies to members of the flight crew for aircraft operations not covered by another classification (N.O.C.) and flight crews employed by an employer operating a nonscheduled airline. Nonscheduled airlines, such as a charter service, do not have definite dates, routes, and times for departures and arrivals but make their services available to the public as needed. Operations not covered by another classification could include, but not be limited to, an aircraft used for sky-writing/advertising, helicopter-assisted hoisting of large or

heavy objects in connection with construction projects and helicopter-assisted removal of logs from a logging side.

This classification excludes ground crew operations which are to be reported separately in classification 6804; establishments engaged in aerial spraying, seeding, crop dusting, and fire fighting which are to be reported separately in classification 6903; ground crews of a helicopter logging operation which are to be reported separately in classification 5001; and clerical and ticket sellers with no other duties which may be reported separately in classification 4904.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-744 Classification 6804.

~~((Aircraft companies, sales or service agencies—including aircraft sales personnel~~

~~Aircraft ground crew operations, N.O.C.~~

~~Airport operations~~

~~Aircraft remanufacturing and/or rebuilding including modifications, conversions and repairs by firms not engaged in the original manufacturing of such aircraft~~

~~Nonscheduled airlines—ground crew operations including ticket sellers who handle baggage:))~~

6804-00 Airport operations

Applies to establishments engaged in operating airports. This classification includes work such as, but not limited to, control tower operations, information clerks located at the airport, baggage handlers who load/unload planes, maintenance and janitorial personnel, porters (skycaps), security personnel, fuel attendants and fire department personnel.

This classification excludes clerical personnel and ticket sellers with no other duties who may be reported separately in classification 4904.

6804-01 Aircraft ground crew operations, N.O.C.

Applies to ground crew operations of employers with aircraft operations not covered by another classification (N.O.C.). This classification includes work such as, but not limited to, baggage/cargo handlers, mechanics, fuel handlers, and ticket sellers who also handle baggage.

This classification excludes all members of the flying crew who are to be reported separately in classification 6803 and clerical and ticket sellers with no other duties who may be reported separately in classification 4904.

6804-02 Aircraft companies, sales or service agencies - including aircraft sales personnel

Applies to establishments engaged as aircraft sales, rental or service agencies. This classification includes work such as, but not limited to, aircraft mechanical work, fueling aircraft, repair of electronic equipment in the airplane and personnel engaged in the sales/rental of aircraft including the routine preparation and maintenance.

This classification excludes in-flight demonstration of aircraft which is to be reported separately in classification 6803.

6804-03 Airlines, nonscheduled - ground crew operations

Applies to all ground crew employees of establishments operating nonscheduled airlines. Ground crew operations include, but are not limited to, all baggage handlers, ticket sellers who handle baggage and maintenance of the aircraft.

This classification excludes members of the flight crew who are to be reported separately in classification 6803 and clerical and ticket sellers with no other duties who may be reported separately in classification 4904.

6804-04 Aircraft: Remanufacture, rebuild, modification, conversion, or repair

Applies to establishments engaged in remanufacturing, rebuilding, modifying, converting or repairing aircraft, such as airplanes and helicopters, but that are not the original manufacture of the aircraft. These types of businesses are usually located adjacent to airports. Remanufacturing or rebuilding usually consists of taking a plane apart and replacing parts such as, but not limited to, exterior sheet metal, the frame, engines, windshields, landing gears and remodeling the inside of the aircraft. Modifying or converting an aircraft includes, but is not limited to, installation of conversion kits which convert an aircraft from gas power to turbine power, installation of larger fuel tanks to increase the range of the aircraft, and installation of more efficient engines. This classification includes the fabrication of component parts when performed by an employer subject to this classification, and the assembly of aircraft kits for a customer.

This classification excludes establishments engaged in the original manufacture of the aircraft and establishments engaged in the manufacture of aircraft component parts which are to be reported separately in the applicable classification, and all flight testing of the aircraft which is to be reported separately in classification 6803.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-745 Classification 6809.

~~((Baseball teams~~

~~Basketball teams~~

~~Soccer teams~~

~~Nonecontact sports, N.O.C.~~

~~This classification applies to professional nonecontact sports and includes umpires, referees, coaches and managers:))~~

6809-00 Baseball teams - professional

Applies to players, umpires, coaches, and managers employed by a professional baseball team.

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the playing field/stadium, and care of the facility in which the team organization is housed who are to be reported separately in classification 6706 and officials of community or school amateur sporting events who are to be reported separately in classification 6103.

6809-01 Basketball teams - professional

Applies to players, coaches, managers, and referees employed by a professional basketball team.

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the arena/stadium, and care of the facility in which the team organization is housed who are to be reported separately in classification 6706 and officials of community or school amateur sporting events who are to be reported separately in classification 6103.

6809-02 Soccer teams - professional Noncontact sports, N.O.C.

Applies to players, coaches, managers, and referees employed by a professional soccer team or noncontact sports teams that are not covered by another classification (N.O.C.).

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the playing fields/stadium, and care of the facility in which the team organization is housed who are to be reported separately in classification 6706 and officials of community or school amateur sporting events who are to be reported separately in classification 6103.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-746 Classification 6901.

~~((Volunteers~~

~~This classification includes all volunteers performing services for any state agency, municipal corporation, political subdivision, or private nonprofit charitable organization~~

~~This classification excludes volunteer law enforcement officers which are to be reported separately.))~~

6901-00 Volunteers

Applies to the medical aid coverage for volunteers of state agencies, municipal corporations, political subdivisions, or private nonprofit charitable organizations. Medical aid coverage is *mandatory* for volunteers of state agencies. Medical aid coverage is *optional* for volunteers of city, county, town, special district, municipal corporations, political subdivisions, or nonprofit charitable organizations.

This classification excludes student volunteers of private sector employers who are to be reported separately in classification 6901-01; volunteer law enforcement officers of cities, towns, counties and taxing districts for whom medical aid only coverage has been elected who are to be reported separately in classification 6906; and volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils for whom full coverage has been elected who are to be reported separately in classification 6905.

Special note: To elect coverage for volunteers, employers or charitable organizations must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24 RCW and emergency services workers covered by chapter 38.52 RCW.

6901-01 Student volunteers

Applies to the medical aid coverage for student volunteers. Medical aid coverage is *optional* for student volun-

teers. A student volunteer is defined as a student who is enrolled in a public school (kindergarten level through grade 12), is participating as a volunteer in a program authorized or sponsored by the public school to provide work-based learning experiences, and who receives no wages for their volunteer services. Maintenance and reimbursement for actual expenses incurred in performing assigned duties are not considered wages.

This classification excludes volunteer workers for state agencies, local government agencies and private nonprofit charitable organizations who are to be reported separately in classification 6901-00; volunteer law enforcement officers of cities, towns, counties and taxing districts for whom medical aid only coverage has been elected who are to be reported separately in classification 6906; and volunteer law enforcement officers of cities, towns, counties, or Native American tribal councils for whom full coverage has been elected who are to be reported separately in classification 6905.

Special note: To elect coverage for student volunteers, employers or charitable organizations must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24 RCW and emergency services workers covered by chapter 38.52 RCW.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-747 Classification 6902.

~~((Logging railroad construction or maintenance Logging road construction or maintenance~~

~~For the purposes of this rule logging roads are roads for which the basic use is for the transporting of logs by truck. This classification includes roads constructed on public or private lands in connection with timber sales or logging, such as roads being constructed in accordance with the state department of natural resources or the United States Forest Service timber sales. Roads constructed subject to this classification are comprised of dirt and/or crushed rock. Operations covered include grading, grubbing, clearing of right-of-way including culverts and bridges; but excludes falling, bucking of right-of-way timber or any of the other logging activities as enumerated in classification 5001 (WAC 296-17-659)~~

~~This classification excludes the construction of asphalt or concrete type roads which are to be reported separately in classifications 0210 "asphalt paving or repaving" or 0214 "concrete paving or repaving"~~

~~See classification 5206 (WAC 296-17-675) for permanent yard operations.))~~

6902-02 Logging road: Construction or maintenance

Applies to the construction or maintenance of logging roads. For purposes of this classification logging roads are roads for which the basic use is to provide access into a timber or forest area and for the transporting of logs out of the area by truck. This classification includes roads constructed on public or private land in connection with timber sales or logging, such as roads being constructed in accordance with

the State Department of Natural Resources or the United States Forest Service timber sales. Logging roads contemplated by this classification are typically cleared and graded with a bulldozer and then paved with gravel, crushed rock, or large stones. Logging roads are generally engineered to support the weight of logging equipment and trucks but not necessarily to handle speeds and volume of nonlogging traffic. As a rule, these roads are not surfaced with asphalt or paved with concrete. Classification 6902 includes log road maintenance which is limited to keeping the road bed in good repair such as regrading and fill to repair washouts and ruts.

This classification excludes the felling of timber, bucking and delimiting of all trees in the proposed roadway or adjacent shoulder and all other logging activities which are to be reported separately in classification 5001; all excavation, land clearing or grading as a part of roadway construction not in connection with a logging road which is to be reported separately in classification 0101; construction of asphalt roads which is to be reported separately in classification 0210; construction of concrete roads which is to be reported separately in classification 0214; mechanical roadside brushing or machine application of chemicals which is to be reported separately in classification 5006; and permanent shop or yard operations which are to be reported separately in classification 5206 provided the conditions of WAC 296-17-675 have been met.

6902-03 Logging railroad: Construction or maintenance

Applies to the construction or maintenance of logging railroads. For purposes of this classification logging railroads are side tracks and spurs which feed into existing railroad main lines. Log trucks haul logs from the cutting site to the logging railroad where they are loaded onto the logging railroad cars and transported to the main line. This classification includes railroads constructed on public or private land in connection with timber sales or logging, such as roads being constructed in accordance with the State Department of Natural Resources or the United States Forest Service timber sales. The construction includes clearing and grading with use of a bulldozer; laying dirt, rock and ballast; laying ties and track; and installing crossover frogs, switches, switch stands, switch mechanisms and crossing planks as needed. This classification also includes log railroad maintenance which is limited to keeping the railroad line operational.

This classification excludes the falling of timber, bucking and delimiting of all trees in the proposed roadway or adjacent shoulder, and all other logging activities which are to be reported separately in classification 5001; the construction of railroad lines not in connection with a logging railroad which is to be reported separately in classification 0101; construction of logging roads which is to be reported separately in classification 6902-02; and maintenance and storage of equipment and material at a permanent yard or shop which is to be reported separately in classification 5206 provided the conditions of WAC 296-17-675 have been met.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-748 Classification 6903.

~~((Aerial spraying, seeding, crop dusting, firefighting.))~~

6903-00 Aerial spraying, seeding, crop dusting, or fire fighting

Applies to the flying crew of establishments engaged in aerial spraying, seeding, crop dusting, and fire fighting, which involves the low altitude release of agricultural chemicals, seeds, water, or fire retardant compound.

This classification excludes aircraft ground crew operations which are to be reported separately in classification 6804.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-749 Classification 6904.

~~((Fire fighters—salaried fire fighters of municipal fire departments.))~~

6904-00 Salaried fire fighters of cities or towns

Applies to salaried fire fighters of cities and towns. Fire fighters respond to fire alarms and other emergencies, control and extinguish fires, protect lives and property, and maintain fire fighting equipment, administer first aid and artificial respiration to injured persons and those overcome by fire and smoke. They may inspect buildings for fire hazards and compliance with fire prevention ordinances and may issue citations to building owners listing the fire regulation violations to be corrected. This classification includes paramedics employed by fire departments.

See classifications 0803, 1301, 1404, 1501, 6901, 6905, and 6906 for other city or town operations.

Special note: State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24 RCW and emergency services workers covered by chapter 38.52 RCW.

6904-01 Salaried fire fighters of counties and taxing districts

Applies to salaried fire fighters of counties and taxing districts. Fire fighters respond to fire alarms and other emergencies, control and extinguish fires, protect lives and property, and maintain fire fighting equipment, administer first aid and artificial respiration to injured persons and those overcome by fire and smoke. They may inspect buildings for fire hazards and compliance with fire prevention ordinances and may issue citations to building owners listing the fire regulation violations to be corrected. This classification includes paramedics employed by fire departments.

See classifications 1301, 1404, 1501, 6901, 6905, and 6906 for other city or town operations.

Special note: State Fund workers' compensation is not provided to volunteer firemen covered by chapter 41.24 RCW and emergency services workers covered by chapter 38.52 RCW.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-750 Classification 6905.

~~((Law enforcement officers—law enforcement officers of cities, towns, counties or Indian tribal councils~~

~~This classification includes volunteer law enforcement officers, N.O.C.))~~

6905-00 Salaried law enforcement officers of cities and towns; Volunteer law enforcement officers, N.O.C.: Full coverage

Applies to salaried law enforcement officers of cities and towns and to volunteer law enforcement officers of cities and towns who are not otherwise classified (N.O.C.) for whom full coverage is elected. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes volunteer law enforcement officers for whom the city or town has elected medical aid benefits only who are to be reported separately in classification 6906.

See classifications 0803, 1301, 1404, 1501, 5305, 6901, and 6904, and for other city or town operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect this coverage, the city or town must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all volunteer law enforcement officers must be included.

6905-01 Salaried law enforcement officers of counties and taxing districts; Volunteer law enforcement officers, N.O.C.: Full coverage

Applies to salaried law enforcement officers of counties and taxing districts and to volunteer law enforcement officers of counties and taxing districts who are not otherwise classified (N.O.C.) for whom full coverage is elected. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes volunteer law enforcement officers for whom the county or taxing district has elected medical aid benefits only who are to be reported separately in classification 6906.

See classifications 1301, 1404, 1501, 5305, 6901 and 6904, and for other city or town operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect this coverage, the county or taxing district must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all volunteer law enforcement officers must be included.

6905-02 Salaried law enforcement officers of Native American tribal councils;

Volunteer law enforcement officers, N.O.C.: Full coverage

Applies to salaried law enforcement officers of Native American tribal councils and to volunteer law enforcement officers of Native American tribal councils who are not otherwise classified (N.O.C.) for whom full coverage is elected. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes volunteer law enforcement officers for whom the Native American tribal council has elected medical aid benefits only who are to be reported separately in classification 6906.

Special note: This coverage is optional for volunteer law enforcement officers. To elect this coverage, the Native American tribal council must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all volunteer law enforcement officers must be included.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-751 Classification 6906.

~~((Volunteer law enforcement officers~~

~~This classification includes volunteer law enforcement officers in accordance with RCW 51.12.035.))~~

6906-00 Volunteer law enforcement officers of cities and towns - medical aid only

Applies to medical aid coverage for volunteer law enforcement officers of cities and towns for whom the cities or towns have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the cities or towns have elected full coverage who are to be reported separately in classification 6905.

See classifications 0803, 1301, 1404, 5305, 6901, 6904, and 6905 for other city or town operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the city or town must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.

6906-01 Volunteer law enforcement officers of counties, taxing districts and Native American tribal councils - medical aid only

Applies to medical aid coverage for volunteer law enforcement officers of counties, taxing districts and Native American tribal councils for whom the counties, taxing districts or Native American tribal councils have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the counties, taxing districts or Native American tribal councils have elected full coverage, who are to be reported separately in classification 6905. See classifications 1301, 1404, 1501, 5306, 6901, 6904, and 6905 for other county or taxing district operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the counties, taxing districts or Native American tribal councils must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.

6906-02 Volunteer law enforcement officers of state agencies - medical aid only

Applies to medical aid coverage for volunteer law enforcement officers of state agencies for whom the state agencies have elected coverage. Duties of law enforcement officers include, but are not limited to, directing traffic, patrolling by motor vehicle, motorcycle, bicycle, or on foot or horseback, preventing crimes, investigating disturbances of the peace, arresting violators, conducting criminal investigations, giving first aid, and guarding persons detained at the police station.

This classification excludes salaried law enforcement officers and volunteer law enforcement officers for whom the state agencies have elected full coverage who are to be reported separately in classification 7103.

See classifications 4902, 4906, 5307, 7103, and 7201 for other state government operations.

Special note: This coverage is optional for volunteer law enforcement officers. To elect coverage for volunteer law enforcement officers, the state agencies must submit a completed Application for Optional Coverage to the department. Conditions of coverage are outlined on the application. If coverage is provided, all law enforcement officers must be included.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-752 Classification 6907.

((Household furnishings moving and storage.))

6907-01 Household furnishings moving and storage

Applies to establishments engaged in interstate and/or intrastate moving and/or storage of household furnishings. Work contemplated by this classification includes packing and unpacking, loading and unloading of household goods, transportation from one residence to another, and temporary storage of household goods in a warehouse. This classification includes the moving van drivers, packing personnel, laborers who assist in the loading and unloading operations, warehouse employees and truck mechanics.

This classification excludes intrastate and/or interstate delivery of nonhousehold furnishings which are to be reported separately in either classification 1101 or 1102, as applicable, and nonhousehold furnishing warehouses, which are to be reported separately in the appropriate warehouse classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-753 Classification 6908.

((Carbon paper, crepe paper, blue print paper, computer paper, calculation tape, note pad, file folder, envelope, stationery, and typewriter ribbon: Manufacturing

Lightweight paper goods: Manufacturing such as but not limited to such single or double ply paper items as surgical gowns, towels, napkins, table or shelf covers, florist papers, tissue, and shredded packing material

Paper bag, movers packing pads, and wallpaper: Manufacturing

Paper box: Manufacturing—set up or folding.))

6908-02 Lightweight paper products, N.O.C.: Manufacturing

Applies to establishments engaged in the manufacture of lightweight paper products not otherwise classified (N.O.C.), such as, but not limited to, carbon paper, crepe paper, blue print paper, computer paper, calculation tape, note pad, file folder, envelope, stationery, and typewriter ribbon. Materials include, but are not limited to, file folder or stationery-weight paper, glue, string, clasps, coating liquids and ink. Machinery includes, but is not limited to, sheeters, slitters, die cutters or other cutting equipment, printing presses, folding, punching and drilling machines, glue applicators, trimmers, winders/rewinders, embossers, packaging machinery, balers, shredders and forklifts.

This classification excludes establishments engaged in the manufacture of paper, which are to be reported separately in classification 2401.

Special note: This classification includes establishments engaged as "paper rewinders or paper converters." These businesses purchase large rolls of premanufactured paper from outside sources, then cut, rewind, or "remanufacture" them into smaller or narrower rolls. They sometimes refer to themselves as "paper wholesalers," but they are performing more "manufacturing" work than what is allowed in classification 6407 for wholesale stores. The machinery used for this type of cutting and rewinding is the same as that used by manufacturers of the types of goods mentioned above.

who also cut, wind and rewind paper from large rolls onto smaller rolls.

6908-03 Paper bag, movers packing pads, and wallpaper: Manufacturing

Applies to establishments engaged in the manufacture of paper products such as, but not limited to, paper bags of all sizes, movers packing pads, wrapping paper and wallpaper. Raw materials include, but are not limited to, paper, glue, string, ink, foam or bubble plastic, plastic wrap and tape. Machinery includes, but is not limited to, bag making machines, slitters, die cutters or other cutting machinery, perforating or embossing machines, glue applicators, printing presses, winders/rewinders, packaging machines, shredders, balers, forklifts and sewing machines which are used to sew tape across the tops of bags that package bulk goods.

This classification excludes establishments engaged in the manufacture of paper, pulp or wood fiber, corrugated boxes or other heavy-grade paper products, or corrugating, laminating, oiling or coating paper, which are to be reported separately in classification 2401; establishments engaged in the manufacture of plastic bags which are to be reported separately in classification 3510 and establishments engaged in the manufacture of abrasive cloth or paper (emery cloth/sandpaper) and textile bags or sacks, which are to be reported separately in classifications 3708 or 3802 as applicable.

6908-05 Paper box - noncorrugated: Manufacturing

Applies to establishments engaged in the manufacture of boxes, or partitions for boxes, from lightweight, noncorrugated cardboard. Boxes contemplated by classification package goods such as, but not limited to, clothing or other soft goods, prepared foods, wine, cigars, stationery and games. Materials include, but are not limited to, cardboard (chipboard), glue, staples, tape, resins, ink and plastic film. Machinery includes, but is not limited to, box-making machines, sheeters, slitters, slotters, winders and rewinders, printing presses, cutting machines, laminators, bundlers, unitizers, balers, shredders and forklifts.

This classification excludes establishments engaged in the manufacture of paper, pulp or wood fiber, corrugated boxes or other heavy-grade paper products, or corrugating, laminating, oiling or coating paper, which are to be reported separately in classification 2401.

6908-06 Single or double-ply paper products: Manufacturing

Applies to establishments engaged in the manufacture of single or double-ply paper products such as, but not limited to, surgical gowns, towels, napkins, table or shelf covers, florist papers, tissue and shredded or crimped packing material. Some of the items made in this classification are primarily hand-made. Raw materials include, but are not limited to, single or double-ply paper, tape, glue, plastic or cellophane lining. Machinery includes, but is not limited to, winders and rewinders, folding machines, cutting tables, paper-crimping machinery, gluing machines and forklifts.

This classification excludes establishments engaged in the manufacture of paper, which are to be reported separately in classification 2401.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-75301 Classification 6909.

((Medical laboratories

Blood banks

Assaying laboratories

Laboratories—Analytical, testing, or quality control for others, including outside operations, excluding outside x-raying and drilling-))

6909-00 Laboratories - analytical, testing, or quality control for others

Applies to establishments engaged in operating laboratories which provide analytical, testing, and quality control services. This classification includes laboratories that experiment and provide a variety of tests and analysis for other customers' products and/or materials. Generally, the employees include chemists, engineers and other scientists and research aides who use a variety of chemicals and sophisticated scientific equipment and machinery for the testing and analysis process. This classification includes the quality control inspection of fish and agricultural products. Work may be performed at the laboratory or at the customer's location.

This classification excludes outside X-raying and drilling which is to be reported separately in the classification applicable to the X-raying or drilling being performed.

Special note: This classification does not apply to establishments that operate a laboratory in connection with testing or inspecting their own products/materials, which is to be included in the basic classification applicable to the business. For example, a laboratory to test and analyze the assembled fly rod or the composition of the graphite rod when operated by a fly rod manufacturer, is included within classification 3510.

6909-02 Laboratories: Medical

Applies to establishments engaged in operating medical laboratories. Services include, but are not limited to, providing data on which to base decisions concerning the detection, diagnosis and treatment of disease and to evaluate a patient's response to treatment. Laboratory personnel perform analytical tests on the tissues and fluids of the human body, detect parasites, bacteria, viruses, drugs, and poisons; and interpret cell and tissue abnormalities. This classification includes employment-related drug testing for others.

Special note: This classification does not apply to establishments that operate a laboratory in connection with testing or analyzing services, which is to be included in the basic classification applicable to the business. For example, a hospital which also operates a laboratory as part of their medical facility to provide an analysis of patient tests and samples is included within classification 6105.

6909-03 Blood banks

Applies to establishments engaged in operating blood banks. Generally, these types of facilities allow individuals to come in and donate, save, or sell their blood for a fee. Medical and laboratory personnel perform routine laboratory tasks including extracting blood from individuals, testing and analyzing blood, processing whole blood and blood compo-

nents, and storing blood in refrigerated storage rooms. This classification also includes services offered by bloodmobiles.

Special note: This classification does not apply to establishments that operate a laboratory in connection with testing or analyzing services which is to be included in the basic classification applicable to the business. For example, a hospital which also operates a laboratory as part of their medical facility to provide an analysis of patient tests and samples is included within classification 6105.

6909-22 Laboratories: Assaying

Applies to establishments engaged in operating assaying laboratories which examine, test, and analyze the quantitative or qualitative substance of material such as a metal, ore or drug. This classification includes a variety of laboratories who experiment and provide tests and analysis of products and/or materials including specialty laboratories such as, but not limited to, chemical, drugs, food products, rock formation and minerals, fossils and bones, and soil and toxic materials. Generally, the employees include chemists, engineers, and other scientists and research aides who use a variety of chemical and sophisticated equipment and machinery for the testing and analysis process.

Special note: This classification does not apply to establishments that operate a laboratory in connection with testing or inspecting their own products/materials which is to be assigned to the basic classification applicable to the business. For example, a mining operation which also operates a laboratory to determine the composition of rock and minerals excavated from the mine is included as part of the mining classification.

NEW SECTION

WAC 296-17-75303 Classification 7002.

7002-00 Department of Energy contract

Applies to establishments that have contracted with the department of energy at DOE's nuclear facilities within the state of Washington to operate, construct or service the nuclear site. At present, the only site covered by this contract is at Richland. These contractors can be identified by the assignment of account number 000,100-xx with each contractor given a separate subaccount. The coverage provided by this classification is usually for the possibility of workers being exposed to nuclear radiation although the coverage applies to any type of on-the-job injury. Benefits for injured workers covered under this contract are paid from a special fund which DOE pays into to cover all industrial insurance and medical aid payments made to or in behalf of the injured workers and/or their beneficiaries. The premium paid by the contractors to labor and industries is limited to the supplemental pension premium assessment.

Special note: This classification is used to administer the DOE contract and collect supplemental pension fund premiums.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-754 Classification 7101.

~~((Corporate officers, N.O.C.))~~

7101-00 Corporate officers, N.O.C.

Applies to executive officers of a corporation who are not covered by another classification (N.O.C.) and who have elected optional coverage. To qualify for this classification, a corporate officer must own stock in the corporation, be elected and empowered in accordance with the articles or bylaws of incorporation, serve on the board of directors, and perform *only* administrative, clerical or outside sales duties. Any officer who performs any duties directly related to the operational activities of the corporation must be reported in the basic classification applicable to the work being performed. Typical titles of executive officers include chairman, president, vice president, secretary and treasurer.

Special note: Under no circumstances will classification 4904 be assigned to an executive officer. Any officer engaged exclusively in outside sales is to be reported separately in classification 6303. Executive officers are exempt from mandatory coverage if the conditions of RCW 51.12.020(8) have been met; however, they may elect optional coverage.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-755 Classification 7102.

~~((Football teams~~

~~This classification applies to football teams which are participants in the National Football League and includes players, referees, coaches, and managers.))~~

7102-00 Football teams - NFL

Applies to players, referees, coaches and managers employed by a professional football team that is a member of the National Football League (NFL).

This classification excludes employees engaged in caring for the team and equipment, the care and operation of the playing field/stadium, and care of the facility in which the team organization is housed who are to be reported separately in classification 6706; officials of community or school amateur sporting events who are to be reported separately in classification 6103; and professional football teams that are not members of the NFL which are to be reported separately in classification 6707.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-756 Classification 7103.

~~((State government, this classification is to be used to report all workers who have law enforcement powers although such workers are administrative employees~~

~~This classification includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government, including employees having arrest powers or such other~~

powers common to law enforcement, such as state patrol officers, fish and wildlife officers, guards or correctional officers of inmates, lottery officers

See classifications 4902, 5307, and 7201 for other state government operations.))

7103-00 State government - law enforcement officers, N.O.C.

Applies to any state employees, including administrative employees, who have law enforcement powers such as, but not limited to, authority to arrest or to preserve order, and who are not covered by another classification (N.O.C.). State agencies assigned this classification include, but are not limited to, department of agriculture, department of natural resources, utility and transportation commission, Washington state gambling commission, Washington state liquor control board, and the Washington state parks and recreation commission.

This classification excludes any state employees N.O.C. who do not have law enforcement powers who are to be reported separately in the classification applicable to work performed.

See classifications 4902, 4906, 5307, and 7201 for other state government operations.

7103-01 State government - law enforcement officers - state patrol

Applies to employees of the Washington state patrol, including administrative employees, who have law enforcement powers such as, but not limited to, authority to arrest or to preserve order.

This classification excludes any state patrol employees who do not have law enforcement powers who are to be reported separately in the classification applicable to work performed.

See classifications 4902, 4906, 5307, and 7201 for other state government operations.

7103-03 State government - law enforcement officers - guards or correctional officers

Applies to employees of the department of corrections, including administrative employees, who have law enforcement powers such as, but not limited to, authority to arrest or to preserve order.

This classification excludes any department of corrections employees who do not have law enforcement powers who are to be reported separately in the classification applicable to work performed.

See classifications 4902, 4906, 5307, and 7201 for other state government operations.

7103-05 State government - law enforcement officers - lottery officers

Applies to employees of the lottery commission, including administrative employees, who have law enforcement powers such as, but not limited to, authority to arrest or to preserve order.

This classification excludes any lottery commission employees who do not have law enforcement powers who are to be reported separately in the classification applicable to work performed.

See classifications 4902, 4906, 5307, and 7201 for other state government operations.

7103-06 State government - law enforcement officers - fish and wildlife officers

Applies to employees of the department of fish and wildlife, including administrative employees, who have law enforcement powers such as, but not limited to, authority to arrest or to preserve order.

This classification excludes any department of fish and wildlife employees who do not have law enforcement powers who are to be reported separately in the classification applicable to work performed.

See classifications 4902, 4906, 5307, and 7201 for other state government operations.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-757 Classification 7104.

~~((Temporary help company: Administrative offices including clerical office and sales personnel.~~

~~This classification applies only to those employees of the temporary help company assigned to work in the administrative or branch offices of a temporary help company. It does not apply to employees of a temporary help company assigned to a customer's administrative or clerical office. This classification is also applicable to an employment agency's administrative office when conducted in connection with a temporary help company operation.))~~

7104-01 Temporary help company: Administrative offices

Applies only to employees such as, but not limited to, clerical office or sales personnel of the temporary help company who work in the administrative or branch offices of a temporary help company. This classification also applies to an employment agency's administrative office when conducted in connection with a temporary help company operation.

This classification excludes employees of a temporary help company who are assigned to a customer's administrative or clerical office who are to be reported separately in classification 7105.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-758 Classification 7105.

~~((Temporary help company: Office support services. This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged wholly in office work for such customers. This classification includes occupations such as clerks, typists, receptionists, secretaries, accountants, actuaries, attorneys, bank tellers, bookkeepers, word processors, data entry and computer operators, programmers, drafters, designers, graphic artists, technical writers, technical illustrators, design engineers,~~

library assistants, telemarketers, and dispatchers, prepress work for printers, bindery—collating by hand, and mail clerks who do not operate equipment. Mail clerks who operate equipment are to be reported separately in risk classification 7109. Employees subject to this classification are not required to physically be located in a clerical office. The test is whether or not they perform clerical office work as described in this classification. A division of worker hours is not permitted between this classification and any other classification.))

7105-01 Temporary help company: Office support services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged wholly in office work for such customers. This classification includes occupations such as, but not limited to, clerks, typists, receptionists, secretaries, accountants, actuaries, attorneys, bank tellers, bookkeepers, word processors, data entry and computer operators, programmers, drafters, designers, graphic artists, technical writers, technical illustrators, design engineers, library assistants, telemarketers, dispatchers, prepress work for printers, collating by hand such as in a bindery, and mail clerks who do not operate equipment. Employees subject to this classification are not required to be physically located in a clerical office. The test is whether they perform clerical office work as described in this classification. A division of worker hours is not permitted between this classification and any other classification.

This classification excludes mail clerks who operate equipment who are to be reported separately in classification 7109-01

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-759 Classification 7106.

((Temporary help company: Retail or wholesale store services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in activities related to a store operation as opposed to a warehouse or repackaging operation. Activities may include a combination of clerical type duties and those that require minimal physical lifting. This classification includes occupations such as cashiering, stocking, beauticians, gift wrappers, buyers, product demonstration, booth aids, modeling, outside sales, and inventory taking.

For the purposes of this section, inventory taking is limited to those services provided to store operations which are performed exclusively at ground level. Inventory taking utilizing ladders, step stools, or at any height or when performed for customers not engaged in store operations are to be reported separately in risk classification 7114 provided they do not operate equipment or machinery.))

7106-01 Temporary help company: Retail or wholesale store services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who

are engaged in activities related to a store operation as opposed to a warehouse or repackaging operation. Activities may include a combination of clerical type duties and those that require minimal physical lifting. This classification includes occupations such as, but not limited to, cashiers, stockers, beauticians, gift wrappers, buyers, product demonstrators, booth aids, models, outside sales persons, and inventory takers. For the purposes of this classification, taking inventory is limited to those services provided to store operations which are performed exclusively at ground level.

This classification excludes employees who take inventory with the use of ladders, step stools to reach any height, or when the inventory is performed for customers not engaged in store operations, who are to be reported separately in classification 7114-00 provided they do not operate equipment or machinery.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-760 Classification 7107.

((Temporary help company: Bakery, restaurant, or food sundry preparation services, and musicians or entertainers. This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in activities such as baking, cooking, food preparation, waiting and bussing tables, and dishwashing, or who are assigned to a customer and who are engaged as musicians or entertainers.))

7107-01 Temporary help company: Bakery, restaurant, or food sundry preparation services, musicians or entertainers

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in activities such as, but not limited to, baking, cooking, food preparation, waiting and bussing tables, and dishwashing. This classification also applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged as musicians or entertainers.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-761 Classification 7108.

((Temporary help company: Packaging and repackaging of dry goods such as clothing, wearing apparel, textile, and related articles of trade; retail products such as books, china, and glassware; and pharmaceuticals as part of the distribution and preshipping process

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in warehousing or repackaging of items such as clothing, fabric, yarn, shoes, glassware, art, linens, kitchenware, drugs and pharmaceutical preparations, computer discs, bulk film or cassette tapes and records. This classification excludes any assembly or freight handling of wood,

metal, plastic, or masonry products to be reported separately in risk classification 7114 provided they do not operate equipment or machinery.)

7108-01 Temporary help company: Packaging and repackaging of dry goods, retail products, and pharmaceuticals as part of the distribution and preshipping process

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in warehousing or repackaging dry goods such as, but not limited to, clothing, fabric, yarn, shoes, glassware, linens, kitchenware, china, books, drugs, computer discs, bulk film, cassette tapes, records, and pharmaceutical preparations.

This classification excludes any assembly or freight handling of wood, metal, plastic, or masonry products which are to be reported separately in classification 7114 provided they do not operate equipment or machinery.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-762 Classification 7109.

((Temporary help company: Electronic, precision, and scientific equipment assembly and nonfield technician services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers engaged in the assembly of electronic or biomedical equipment and employees engaged in printing and bindery work. This classification includes occupations such as electronic assemblers, mechanical assemblers, electro-mechanical assemblers, quality control inspectors, test technicians, kit pullers, storekeepers, upholsterers, laboratory technicians, printers, offset operators, lead typesetters, and bindery workers.)

7109-01 Temporary help company: Electronic, precision, and scientific equipment assembly; nonfield technician services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in the assembly of electronic or biomedical equipment or printing and bindery work. This classification includes, but is not limited to, occupations such as electronic assemblers, electro-mechanical assemblers, quality control inspectors, test technicians, kit pullers, storekeepers, upholsterers, laboratory technicians, printers, offset operators, lead typesetters, mail clerks who operate equipment, and bindery workers.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-76201 Classification 7110.

((Temporary help company: Field engineer and field technician services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers who are engaged in duties away from the customers pre-

mises and who are providing field engineering, field technician, traffic counters and surveying services, telephone installation and service within buildings, vending machine service and parking lot or garage attendants, weigh scale attendants, and service station attendants excluding mechanics.)

7110-00 Temporary help company: Field engineer and field technician services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in duties away from the customers' premises and who are providing field engineering, field technician services, traffic counters, and surveying services, telephone installation and service within buildings, vending machine service, and to parking lot or garage attendants, weigh scale attendants, and service station attendants (other than mechanics).

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-76202 Classification 7111.

((Temporary help company: Health care, medical laboratory, quality control services, testing laboratories, N.O.C., homemaker services and home health services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are providing health care services and includes such employments as therapists, nurses, nurses aides, physicians, dental hygienists, laboratory technicians and assistants.)

7111-00 Temporary help company: Health care, medical laboratory, quality control services, testing laboratories, N.O.C.; homemaker services and home health services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are providing health care services. This classification includes employments such as, but not limited to, therapists, nurses, nurses aides, physicians, dental hygienists, laboratory technicians, and assistants who work at a health care facility or at the home of the patient.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76203 Classification 7112.

((Temporary help company: Agricultural services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any aspects of agricultural work such as field crops, livestock, stables, dairies, nurseries and greenhouses including the operation of power driven farm machinery or equipment.)

7112-00 Temporary help company: Agricultural services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in any aspects of agricultural operations such as field crops, livestock, stables, dairies, nurseries, and green-

houses. This classification contemplates the operation of power driven farm machinery or equipment.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-76204 Classification 7113.

((Temporary help company: Janitorial, plant or facility supplemental maintenance and groundskeeping services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in janitorial work, preoccupancy building cleanup, plant maintenance, and groundskeeping or grounds maintenance work to an existing landscape such as mowing lawns, pruning shrubs and weeding as compared to new landscape construction work. Landscape workers involved exclusively in hand labor work such as raking, digging, using wheel barrow to haul soil, beauty bark or decorative rock, whether performed as maintenance of existing landscape or new landscape work are subject to this risk classification (7113). Separately report employees engaged in exterior window cleaning, debris or building material cleanup and removal, and new landscape construction (i.e., clearing of land, installation of underground sprinkler systems, moving boulders) in risk classification 7118. Tree removal to be reported separately in risk classification 7121. A division of worker hours is not permitted between this classification and any other classification.))

7113-00 Temporary help company: Janitorial, plant or facility supplemental maintenance and grounds keeping services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in janitorial work, building preoccupancy cleanup, plant or facility maintenance, and/or grounds maintenance work on an existing landscape. Grounds keeping work contemplated by this classification means, but is not limited to, mowing lawns, pruning shrubs, and weeding, as compared to new landscape construction work. This classification includes landscape workers involved exclusively in hand labor work such as raking, digging, using a wheelbarrow to haul soil, beauty bark or decorative rock, whether performed as maintenance of existing landscape or new landscape work.

This classification excludes employees engaged in cleaning exterior windows, cleaning and removing debris or building material, and construction of new landscapes such as, but not limited to, clearing of land, installation of underground sprinkler systems, moving boulders, who are to be reported separately in classification 7118 and employees engaged in removing trees who are to be reported separately in classification 7121. A division of worker hours is not permitted between this classification and any other classification.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-76205 Classification 7114.

((Temporary help company: Assembly work and freight handling, N.O.C.

This classification applies to employees of a temporary help company assigned on a temporary basis to customers of a temporary help company engaged in the assembly of wood, metal, plastic, or masonry products during shipping or receiving; and freight handling such as furniture, tires, and other products made of wood, metal, plastic, or masonry products during shipping and receiving. Employees assigned this classification could use small power driven hand tools in the assembly process, and nonpower pallet jacks and hand trucks for the freight handling activity. This classification also includes inventory takers, N.O.C. Employees whose duties include the operation of power driven equipment or machinery, although they may also be engaged in assembly work or freight handling activities, are to be reported without division of hours in risk classification 7117.))

7114-00 Temporary help company: Assembly work and freight handling, N.O.C.; inventory takers, N.O.C.

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in the assembly of wood, metal, plastic, or masonry products during shipping or receiving; and handling freight such as tires, furniture, and other products made of wood, metal, plastic, or masonry products during shipping or receiving. Employees assigned this classification could use small power driven hand tools to assemble goods and non-powered pallet jacks or hand trucks for handling freight. This classification also applies to employees of a temporary help company who are assigned on a temporary basis to its customers who are engaged in taking inventory and who are not covered by another classification (N.O.C.).

This classification excludes employees who operate power driven equipment or machinery to perform assembly work or freight handling activities who are to be reported separately, without division of hours, in classification 7117.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76206 Classification 7115.

((Temporary help company: Cannery or food processing services, including fresh fruit and vegetable packing and food dehydrating processes.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are assigned to work in a cannery, fruit and vegetable packing or freezer operation. This classification includes employees engaged in cooking or otherwise preparing food prior to packaging or canning, but excludes employees engaged in plant or cannery equipment or machinery operations or maintenance which are to be reported separately in risk classification 7117.))

PERMANENT

7115-00 Temporary help company: Cannery or food processing services

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in cannery or food processing operations such as, but not limited to, canning, freezing, or dehydrating, or in packing fresh fruits or vegetables. Cooking or otherwise preparing food prior to processing or packing is included in this classification.

This classification excludes employees engaged in operating or maintaining plant or cannery equipment or machinery who are to be reported separately in classification 7117.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-76207 Classification 7116.

~~((Flagging services by specialty contractor: This classification applies to nonconstruction contractors that are providing flagging services on public utility, power, water or gas line construction projects. This classification does not apply to employees of a construction contractor that are assigned flagging duties which are to be reported separately in the classification applicable to the construction work being performed by their employer.~~

~~Temporary help company: Flagging for public utility, power, water, or gas line construction.~~

~~This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in flagging services for a public utility company involved in the extension of overhead or underground power line construction or underground water or gas line construction.)~~

7116-00 Temporary help company: Flagging services by specialty contractor: Flagging for public utility line construction

This classification applies to specialty (nonconstruction) contractors that are providing flagging services on public utility, power, water, or gas line construction projects. This classification also applies to employees of a temporary help company who are assigned on a temporary basis to a public utility company to provide flagging services during the construction or extension of overhead or underground power, water, or gas lines.

This classification excludes employees of construction contractors who perform flagging duties who are to be reported separately in the classification applicable to the construction work the construction contractor is performing.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76208 Classification 7117.

~~((Temporary help company: Machine operators and skilled craftpersons—plant or shop operations, N.O.C.~~

~~This classification applies to employees of a temporary help company assigned on a temporary basis to its customers who operate power driven equipment or machinery such as forklifts, table saws, drill presses, industrial packaging~~

~~and processing equipment or machinery and skilled craftpersons such as machinists, mechanics, welders, tool and die makers, carpenters, cabinet makers, and who are assigned to work in the customer's plant or shop but does not apply to maritime trades or plant maintenance workers.~~

~~This classification includes such industries as cabinet shops, lumber remanufacturing, canneries, amusement parks, sign paint shops, laundries, printing shops but would exclude shake or shingle mills.~~

~~Employees whose duties include work at a construction site are to be reported without a division of hours in risk classification 7118 except for those employees working in the specialty trades of plumbing, electrical wiring, or sheet metal work, who are subject to this risk classification (7117). Employees assigned to work in maritime trades subject to Washington workers compensation laws are to be reported separately in risk classification 7120. Employees assigned to work in a customer's plant as maintenance workers are to be reported separately in risk classification 7113.))~~

7117-00 Temporary help company: Machine operators; skilled craft persons - plant or shop operations, N.O.C.; specialty trades

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who operate power driven equipment or machinery such as, but not limited to, forklifts, table saws, drill presses, industrial packaging and processing equipment or machinery, or who are assigned to work in the customer's plant or shop. This classification also applies to skilled craftpersons such as machinists, mechanics, welders, tool and die makers, carpenters, cabinet makers, and to employees of a temporary help company who work in the specialty trades of plumbing, electrical wiring, or sheet metal work. Businesses or industries contemplated by this classification include, but are not limited to, cabinet shops, lumber remanufacturers, canneries, amusement parks, sign painting shops, printing shops, and laundries, but does not apply to shake or shingle mills.

This classification excludes employees of a temporary help company who work at construction sites performing duties other than those of specialty trades who are to be reported separately, without a division of hours, in classification 7118; employees of a temporary help company who are assigned to work in maritime trades subject to Washington workers' compensation laws who are to be reported separately in classification 7120; and employees of a temporary help company who are assigned to do plant maintenance work in a customer's plant who are to be reported separately in classification 7113.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-76209 Classification 7118.

~~((Flagging services by specialty contractor, N.O.C.: This classification applies to nonconstruction contractors that are providing flagging services which are not covered in classification 7116. This classification does not apply to~~

employees of a construction contractor that are assigned flagging duties which are to be reported separately in the classification applicable to the construction work being performed by their employer

Temporary help company: Construction:

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any aspect of construction work such as road, underground or overhead utility lines, fence, metal erection, signs or lighting including the operation of equipment, machinery, and tools by such employees. This classification also applies to construction security personnel and flaggers, N.O.C. Employees working in the specialty trades of plumbing, electrical wiring, or sheet metal work are to be reported separately in classification 7117.)

7118-00 Temporary help company: Flagging services by specialty contractor, N.O.C.; construction

Applies to specialty nonconstruction contractors that are providing flagging services which are not covered in classification 7116. This classification also applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any aspect of construction work such as, but not limited to, road, new landscape, underground or overhead utility lines, fence, metal erection, signs or lighting, including the operation of equipment, machinery, and tools by those employees, and to security personnel and flaggers who are not covered by another classification, (N.O.C.).

This classification excludes employees of construction contractors who perform flagging duties who are to be reported separately in the classification applicable to the construction work the construction contractor is performing and employees of a temporary help company who are working in the specialty trades of plumbing, electrical wiring, or sheet metal work who are to be reported separately in classification 7117.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76210 Classification 7119.

~~((Temporary help company: Commercial vehicle operations; N.O.C. and sawmill operations.~~

~~This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in commercial vehicle operations such as truck, delivery, and taxi drivers or who are engaged in any aspect of sawmill work, such as operating machinery, grading lumber, or sorting and stacking lumber.))~~

7119-00 Temporary help company: Commercial vehicle operations, N.O.C.; sawmill operations

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in commercial vehicle operations such as, but not limited to, driving truck for a moving or storage company, driving garbage collection trucks, driving pilot cars, driving delivery vehicles or driving taxis. This classification

also applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in any aspect of sawmill work such as, but not limited to, operating machinery, grading lumber, or sorting and stacking lumber.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76211 Classification 7120.

~~((Temporary help company: Hazardous waste handling and maritime employments.~~

~~This classification applies to employees of a temporary help company assigned on a temporary basis to its customers who are engaged in hazardous waste handling or maritime employments subject to Washington workers compensation laws including diving or subaqueous work.))~~

7120-00 Temporary help company: Hazardous waste handling; maritime employments

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in hazardous waste handling. This classification also applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in maritime employments subject to Washington workers' compensation laws, including diving or subaqueous work.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76212 Classification 7121.

~~((Temporary help company: Logging, shake or shingle mills, and aircraft flight crew members.~~

~~This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in any phase of logging or aircraft operations or who are assigned to work in any lumbering mill including equipment or machinery operators related to industries subject to this classification.))~~

7121-00 Temporary help company: Logging, shake or shingle mills; aircraft flight crew members

Applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in any phase of logging or aircraft operations or who are assigned to work in any lumbering mill, including equipment or machinery operators related to industries subject to this classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-763 Classification 7201.

~~((State government - this classification is to be used to report all employments of workers assigned to work at state operated facilities that provide patient or health care of any type. Usage of this classification is not limited to state operated hospitals as it is intended to also cover~~

PERMANENT

health care facilities at state schools, infirmaries at correctional institutions, traveling nurses and physicians, etc.

This classification excludes clerical office and administrative personnel that are not engaged in providing or attending to patient care and all blue collar employments. See classifications 4902, 5307 and 7103 for other state government operations.))

7201-00 State government - patient or health care personnel

Applies to state employees who provide any type of patient or health care at state-operated facilities or at health care facilities in state schools or correctional institutions. Type of employment contemplated by this classification includes, but is not limited to, traveling nurses, therapists, and physicians.

This classification excludes any state employees who do not provide patient or health care who are to be reported separately in the classification applicable to work performed.

See classifications 4902, 4906, 5307, and 7103 for other state government operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-764 Classification 7202.

((Real estate agencies

This classification includes clerical office and sales personnel but, excludes building management and/or property development.))

7202-00 Real estate agencies

Applies to establishments engaged in buying, selling, renting, and appraising real estate for others. A real estate agent will study property listings, accompany clients to the property site to show the property, and draw up real estate contracts such as deeds, leases, and mortgages. They will also hold open houses, conduct negotiations, and assist at the closing. This classification includes clerical office and sales personnel.

This classification excludes building and/or property management services which are to be reported separately in classification 4910.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-765 Classification 7203.

((Community service workers

This classification includes all community service workers performing work for counties, cities, towns, state agencies, or nonprofit organizations pursuant to court order or under the provisions of chapter 13.40 RCW.))

7203-00 Community service workers

Applies to individuals who are sentenced to perform community service work for a state agency, county, city, town or nonprofit organization as the result of a court order. The "workers" perform various services for benefit of the agency or organization. These services may range from clerical office or counseling duties to maintenance or construc-

tion work. The type of work performed has no bearing on the assignment of this classification. The workers are not compensated for their work; instead, they are allowed to perform these services in lieu of imprisonment.

Special note: This classification is assigned only if the agency or organization for whom the service is being provided elects to cover their community service workers (RCW 51.12.045).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-766 Classification 7204.

((Preferred workers

This classification includes all preferred workers in accordance with the provisions of RCW 51.16.120(3) and WAC 296-16-010.))

7204-00 Preferred workers

Applies to "preferred workers" as certified by the department of labor and industries. Preferred workers are workers who, because of a work-related injury or occupational disease, are unable to return to work with the same employer or, because of substantial impairment, unable to return to the same type of work. Before this classification can be assigned to an employer's account, the department must receive a completed "intent to hire" form from that employer within sixty days from the first date of employment. A worker may be certified as a preferred worker for a period of thirty-six months. A qualified employer who hires a preferred worker will receive up to thirty-six months of premium relief provided the preferred worker is in their employment during the same period of time. The only cost to the preferred worker and the employer will be the supplemental pension premium. If an injured worker sustains an injury within three years of the hiring date, all claims will be paid by the department through the second injury fund with no costs to the employer. The type of work performed by the preferred worker has no bearing on the assignment of this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-772 Classification 7301.

((Dairy farms

This classification includes all farm operations related and incidental to the enterprise described and applies to all acreage devoted to the raising of these animals.))

7301-00 Farms: Dairy

Applies to establishments engaged in the raising of dairy cattle for the purpose of milk production. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, tending and feeding animals, raising crops for feed, erecting or mending fences, breeding animals, milking animals, transporting animals to or from market, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also covers artificial insemination and veterinary care when performed by employees of an employer subject to this classification.

This classification excludes contractors engaged exclusively in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as cleaning stalls or barns, weeding or planting crops, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending Order 89-07, filed 7/20/89, effective 8/20/89)

WAC 296-17-773 Classification 7302.

((Livestock farms

Parimutuel horse racing: Proprietors, partners, and corporate officers

This subclassification is limited in scope to excluded employment contained in RCW 51.12.020 (5) and (8) "Sole proprietors, partners, and corporate officers" who elect workers compensation insurance on a voluntary basis. See WAC 296-17-350(2) "Excluded employments" for premium reporting and calculations.

Riding academies

This classification includes all farm operations related and incidental to the enterprises described above and applies to all acreage devoted to the raising of these animals.))

7302-00 Farms: Livestock

Animal stud service

Applies to establishments engaged in the raising of cattle, pigs, and horses for sale to others. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, tending and feeding animals, raising crops for feed, erecting or mending fences, breeding animals, transporting animals to or from market, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also covers artificial insemination and veterinary care when performed by employees of an employer subject to this classification. This classification also applies to establishments that provide animal stud services for others.

This classification excludes contractors engaged exclusively in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as cleaning stalls, grooming or caring for animals, weeding or planting crops, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

7302-02 Riding academies

Applies to establishments engaged as riding academies which offer services such as, but not limited to, instruction on riding horses or on the care of animals and the rental of horses. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, tending and feeding animals, training animals, cleaning stalls and barn areas, raising crops for feed, erecting or mending fences, breeding animals, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also covers artificial insemination and veterinary care when performed by employees of an employer subject to this classification.

This classification excludes contractors engaged exclusively in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as cleaning stalls, grooming or caring for animals, weeding or planting crops, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

7302-03 Boarding and/or training stables for pleasure or show horses

Applies to establishments that board and/or train pleasure or show horses for others. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, tending and feeding animals, cleaning stalls and barn areas, training animals, raising crops for feed, erecting or mending fences, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification.

This classification excludes contractors engaged exclusively in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as cleaning stalls, grooming or caring for animals, weeding or planting crops, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

7302-04 Centers or trainers for race horses - unlicensed by WHRC

Applies to establishments or individuals who train race horses for others, but who are not licensed as trainers or training centers by the Washington horse racing commission. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, tending and feeding animals, cleaning stalls and barn areas, training animals, raising crops for feed, erecting or mending fences, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification.

This classification excludes individuals or centers that train nonrace horses which are to be reported separately in classification 7302-03; contractors engaged exclusively in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301; and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as cleaning stalls, grooming or caring for animals, weeding or planting crops, irrigating and fertilizing. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

7302-05 Parimutuel horse racing: Licensed employments, N.O.C.

Applies to employments licensed by the Washington horse racing commission who are not mandatorily covered under Washington workers' compensation insurance laws

and are not covered by another classification. This classification is only for individuals such as, but not limited to, horse owners, trainers, farriers, and veterinarians, who hold specialty licenses issued by the commission. These individuals are generally owners of a business such as that of a farrier or training services. The business entity could be a proprietorship, partnership, joint venture, or corporation and may or may not have employees. The qualifying factor for this classification is that these individuals are licensed by the horse racing commission, are not mandatorily covered under Washington workers' compensation insurance laws, and are not included or covered by another classification. For example, a veterinarian who operates a veterinary clinic away from a race track and treats various animals such as dogs, cats, cows, and horses would report owner coverage (if elected) in classification 6107, not in classification 7302.

AMENDATORY SECTION (Amending WSR 93-12-093, filed 5/31/93, effective 7/1/93)

WAC 296-17-777 Classification 7307.

~~((Christmas tree farms— all operations including planting, pruning, harvesting, baling, packing and delivery
Retail operations (i.e., cashiers, parking attendants, customer assistants, etc.) of Christmas tree u-cut farms or retail sales lots are to be reported separately in classification 4805-~~

~~Classification 7307 and classification 5004 shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees-))~~

7307-00 Farms: Christmas tree

Applies to establishments engaged in operating Christmas tree farms. Work contemplated by this classification includes, but is not limited to, preparing soil for new trees, planting trees, fertilizing, spraying, fumigating, weeding, pruning, harvesting, baling, packing, delivering trees, and maintaining or installing sprinkler or irrigation systems when performed by employees of an employer subject to this classification. This classification also applies to wholesale Christmas tree operations. Retail tree sales conducted at a farm location, as in the case of a U-cut tree operation, or at a seasonal sales lot away from the farm may be reported separately provided the conditions in classification 4805-09 have been met.

This classification excludes contractors engaged exclusively in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special notes: Establishments assigned to classification 4805-09 should report hours in this classification only during the fourth quarter of each year since these sales are confined to the Christmas season. Special care should be exercised when assigning this classification as work covered by classification 5004 is similar in nature.

The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as planting trees, pruning, or harvesting. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

7307-01 Tree farms, N.O.C.

(to be assigned only by classification services staff)

Applies to establishments engaged in operating tree farms not covered by another classification. (N.O.C.) such as, but not limited to, cottonwood tree farms. Operations contemplated by this classification include, but are not limited to, preparing soil for new trees, planting trees, fertilizing, spraying, fumigating, weeding, pruning trees, and maintaining or installing sprinkler systems when performed by employees of an employer subject to this classification.

This classification excludes harvesting of trees which is to be reported separately in the appropriated logging classification based on the method of harvest; contractors engaged in the installation of sprinkler or irrigation systems who are to be reported separately in classification 0301; and contractors hired by a tree farm operator to build or repair fences or structures who are to be reported separately in the appropriate construction classification applicable to the work being performed.

Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as planting trees, pruning, or harvesting. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm with which they are contracting. Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "custom farm services" as the process involved in operating machinery is the same irrespective of the type of farm they are providing service to or the type of crop involved.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-778 Classification 7308.

((Animal shelters
Dog grooming parlors
Dog pounds
Humane societies
Pet boarding
Pet breeding kennels
Pet stores, N.O.C.))

7308-02 Animal shelters or services, dog pounds and humane societies

Applies to establishments engaged in operating animal shelters/services, dog pounds, or humane societies which

care for lost or unwanted animals or animals that have been placed for adoption. The title "animal services" has replaced the title "animal shelter" or "dog pound" in most establishments. While the activities are the same under all of these titles, the main difference is the funding. Animal services are tax-base funded; humane societies are privately funded. Activities include, but are not limited to, feeding, cleaning, or grooming animals, veterinary care, euthanasia, catching or controlling animals, and investigating incidents such as animal bites and animal abuse. This classification also applies to dog obedience classes that are not in connection with kennels or pet breeding establishments.

This classification excludes pet grooming parlors which are to be reported separately in classification 7308-03; pet stores which are to be reported separately in classification 7308-04; and pet breeding/boarding kennels which are to be reported separately in classification 7308-05.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

7308-03 Pet grooming parlors

Applies to establishments engaged in providing pet grooming services either at the groomer's or the customer's location. Services may be provided in a shop or at the customer's location with the use of a vehicle equipped with the necessary supplies. Although most of the animals groomed are dogs, parlors may also groom cats. Activities include, but are not limited to, bathing, dipping to control fleas, cutting, brushing, combing and drying hair, clipping nails, and the incidental sale of pet products such as collars, shampoos and pet clothing. Depending on the length of their stay, animals may also be fed, watered, and placed in kennels until their owners pick them up.

This classification excludes animal shelters, dog pounds, and humane societies which are to be reported separately in classification 7308-02; pet stores, N.O.C. which are to be reported separately in classification 7308-04; and pet breeding/boarding kennels which are to be reported separately in classification 7308-05.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

7308-04 Pet stores, N.O.C.

Applies to establishments engaged as pet stores not covered by another classification (N.O.C.). Stores in this classification sell cats and dogs. In addition to cats and dogs, they may also sell other animals such as birds, snakes, fish, reptiles or turtles, and related items such as, but not limited to, pet food, cages, travel carriers, pet toys, collars, shampoos, flea, tick and worm treatments, vaccination equipment, aquariums, and supplies aquariums. This classification also includes any incidental pet grooming performed by employees of employers subject to this classification.

This classification excludes stores which sell pets such as tropical fish, birds or reptiles, but do not sell cats and dogs, which are to be reported separately in classification

6406: pet grooming parlors which are to be reported separately in classification 7308-03; animal shelters, dog pounds and humane societies which are to be reported separately in classification 7308-02; pet breeding/boarding kennels which are to be reported separately in classification 7308-05 and stores which sell pet food only, but do not sell pets, which are to be reported separately in classification 6403.

Special note: Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

7308-05 Pet breeding and boarding kennels

Applies to establishments primarily engaged in boarding pets while their owners are away from home, or in boarding pets for others in connection with a breeding service. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending, breeding, grooming and feeding animals, erecting or mending fences, erecting or maintaining kennels, cleaning kennels, and veterinary services and the incidental sale of animals, animal grooming or care supplies when performed by employees of an employer subject to this classification.

This classification excludes pet grooming parlors which are to be reported separately in classification 7308-03 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the applicable construction classification.

Special notes: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as feeding animals, grooming, and cleaning kennels. Generally the work involves manual labor tasks as opposed to machine operations. Farm labor contractors will be reported in the classification applicable to the farm or business with which they are contracting.

Effective July 1, 1996, clerical office and outside sales employees may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met.

AMENDATORY SECTION (Amending WSR 94-12-063, filed 5/30/94, effective 6/30/94)

WAC 296-17-779 Classification 7309.

((Work activity centers

This classification is only applicable to businesses who have employees listed on their Community Rehabilitation Program (CRP) subminimum wage certificate as issued by the United States Department of Labor. This classification excludes professional, clerical, and other blue-collar employments which will be separately rated in risk classification 6709 (WAC 296-17-740) even though the only operation of the employer may be a work activity center.))

7309-00 Work activity centers

Applies only to the most severely disabled persons, and to developmentally disabled persons whose handicaps are so severe as to make their productivity inconsequential, and who are included on the center's certificate for special minimum wage issued by the U.S. Department of Labor.

This classification excludes all staff who operate work activity centers and all staff who operate sheltered workshops, even if the sheltered workshop also operates a work activity center, who are to be reported separately in classification 6709 and to disabled persons, and to developmentally disabled persons enrolled in sheltered workshops who are to be reported separately in classification 6709.

Special note: Work activity centers differ from sheltered workshops in the severity of the impairments of the participants.

While the workers' compensation rates for classifications 7309 and 6709 are identical, the premiums for classification 7309 are calculated on a piece rate basis to reflect the limited productivity of the workers covered by this classification.

AMENDATORY SECTION (Amending WSR 96-12-039, filed 5/31/96, effective 7/1/96)

WAC 296-17-870 Evaluation of actual losses. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) Valuation date. The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) Retroactive adjustments - revision of losses between valuation dates. No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made, subject to subsection (4)(a) of this section.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) Average death value. Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value,"

said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) Third-party recovery - effect on experience modification.

(a) For claims with injury dates prior to July 1, 1994, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of actual losses until such time as the third-party action has been completed. If a third-party recovery is made after a claim had previously been used in an experience modification calculation, the experience modification shall be retroactively adjusted. The department shall compute a percentage recovery by dividing the current valuation of the claim into the amount recovered or recoverable as of the recovery date, and shall reduce both primary and excess losses previously used in the experience modification calculation by that percentage.

(b) For claims with injury dates on or after July 1, 1994, if the department determines that there is a reasonable potential of recovery from an action against a third party, both primary and excess values of the claim shall be reduced by fifty percent for purposes of experience modification calculation, until such time as the third-party action has ~~((ben)) been~~ completed. This calculation shall not be retroactively adjusted, regardless of the final outcome of the third-party action. After a third-party recovery is made, the actual percentage recovery shall be applied to future experience modification calculations.

(c) For third-party actions completed before July 1, 1996, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees and costs. For third-party actions completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees and costs.

(d) Definitions:

(i) As used in this section, "recovery date" means the date the money is received at the department or the date the order confirming the distribution of the recovery becomes final, whichever comes first.

(ii) As used in this section, "recoverable" means any amount due as of the recovery date and/or any amount available to offset case reserved future benefits.

(5) Second injury claims. The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) Occupational disease claims. When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the

claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) Maximum claim value. No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

AMENDATORY SECTION (Amending WSR 97-24-062, filed 12/1/97, effective 1/1/98)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Class	Base Rates Effective January 1, 1998	
	Accident Fund	Medical Aid Fund
0101	1.6071	0.4584
0103	1.8351	0.5549
0104	1.0933	0.3245
0105	1.3874	0.5243
0107	1.4267	0.3972
0108	1.0933	0.3245
0112	0.8229	0.2575
0201	3.3774	0.9111
0202	3.3774	0.9111
0210	1.1029	0.3252
0212	1.1029	0.3252
0214	1.3827	0.4230
0217	1.4818	0.4490
0219	1.3064	0.4042
0301	0.6772	0.3016
0302	2.3045	0.5805
0303	2.0291	0.5249
0306	1.1146	0.3373
0307	0.7917	0.2849
0308	0.5771	0.2602
0403	1.5775	0.5574
0502	1.7171	0.4424
0504	1.5798	0.4930
0506	5.2406	1.3770
0507	3.5434	1.1731
0508	3.9663	0.8627
0509	1.9123	0.5650
0510	1.5777	0.5226
0511	1.2325	0.4282
0512	1.7355	0.5221
0513	0.7873	0.2504

PERMANENT

Base Rates Effective
January 1, 1998Base Rates Effective
January 1, 1998

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
0514	1.4829	0.5566	1704	0.7855	0.2945
0515	3.6223	0.9275	1801	0.9945	0.3244
0516	1.5777	0.5226	1802	1.0362	0.3682
0517	1.7320	0.6778	2002	0.5301	0.2663
0518	1.9875	0.5183	2004	0.5979	0.2937
0519	1.9882	0.7142	2007	0.4532	0.2051
0520	1.9963	0.4853	2008	0.2661	0.1199
0521	1.5798	0.4930	2009	0.3035	0.1626
0601	0.6761	0.2363	2101	0.5968	0.2541
0602	0.4525	0.1620	2102	0.3980	0.2070
0603	1.0471	0.3055	2104	0.2239	0.1329
0604	1.2275	0.5245	2105	0.6125	0.2346
0606	0.2819	0.1426	2106	0.3038	0.1583
0607	0.3494	0.1473	2201	0.2459	0.1104
0608	0.2859	0.1445	2202	0.5350	0.2594
0701	2.7641	0.4866	2203	0.3038	0.1599
0803	0.3574	0.1508	2204	0.1687	0.0757
0901	1.9875	0.5183	2401	0.3349	0.1985
1002	0.7837	0.3358	2903	0.5826	0.3029
1003	0.7984	0.3224	2904	0.7225	0.3505
1004	0.5504	0.2067	2905	0.4304	0.2309
1005	7.1440	1.8946	2906	0.3346	0.1380
1007	0.3916	0.1343	2907	0.4882	0.2348
1101	0.5399	0.2486	2908	0.9739	0.3970
1102	1.4183	0.4572	2909	0.4137	0.2111
1103	0.6601	0.2607	3101	0.7987	0.2912
1104	0.4163	0.2370	3102	0.2363	0.1142
1105	0.7044	0.2947	3103	0.8335	0.3169
1106	0.2475	0.1509	3104	0.5547	0.1819
1108	0.4014	0.1999	3105	0.7748	0.3320
1109	0.7135	0.3709	3303	0.2273	0.1156
1301	0.3972	0.1783	3304	0.4970	0.2693
1303	0.1747	0.0756	3309	0.3577	0.1899
1304	0.0206	0.0109	3402	0.4396	0.1940
1305	0.3898	0.1799	3403	0.2054	0.0871
1401	0.5514	0.2549	3404	0.4086	0.1991
1404	0.5673	0.2228	3405	0.2559	0.1077
1405	0.4040	0.1894	3406	0.2107	0.1149
1501	0.4020	0.1644	3407	0.3416	0.1495
1507	0.3343	0.1518	3408	0.1010	0.0519
1701	0.7855	0.2945	3409	0.0901	0.0509
1702	1.9988	0.5581	3410	0.1772	0.1156
1703	0.3545	0.1245	3411	0.3785	0.1609

Class	Base Rates Effective January 1, 1998		Class	Base Rates Effective January 1, 1998	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
3412	0.3913	0.1565	4502	0.0387	0.0201
3413	0.5270	0.2261	4504	0.0767	0.0517
3414	0.4856	0.2085	4601	0.5782	0.2869
3415	0.5075	0.2187	4802	0.2047	0.1064
3501	0.9144	0.3594	4803	0.1743	0.1049
3503	0.2242	0.1679	4804	0.4751	0.2542
3506	1.0939	0.2832	4805	0.2870	0.1439
3509	0.3560	0.1857	4806	0.0517	0.0279
3510	0.3964	0.1940	4808	0.4642	0.1864
3511	0.5503	0.2730	4809	0.2239	0.1211
3512	0.3069	0.1978	4810	0.1173	0.0783
3513	0.3961	0.2007	4811	0.2001	0.1199
3602	0.1061	0.0622	4812	0.3017	0.1426
3603	0.4065	0.2264	4813	0.1716	0.0981
3604	1.2653	0.5772	4900	0.5219	0.1808
3605	0.4585	0.2005	4901	0.0489	0.0207
3701	0.2363	0.1142	4902	0.0687	0.0324
3702	0.4202	0.1849	4903	0.0548	0.0249
3707	0.4514	0.2969	4904	0.0228	0.0134
3708	0.3857	0.1919	4905	0.2252	0.1500
3802	0.1629	0.0881	4906	0.0737	0.0353
3808	0.3562	0.1478	4907	0.0574	0.0292
3901	0.1317	0.0926	4908	0.0572	0.0847
3902	0.3682	0.1905	4909	0.0286	0.0371
3903	1.0189	0.5842	4910	0.3621	0.1836
3905	0.1317	0.0926	5001	5.3508	1.3677
3906	0.4147	0.1984	5002	0.4919	0.2089
3909	0.1542	0.0907	5003	1.6322	0.4623
4002	0.9145	0.3110	5004	1.3436	0.5964
4101	0.2127	0.1045	5005	1.2765	0.3733
4103	0.2408	0.1385	5006	1.6270	0.4598
4107	0.1317	0.0708	5101	0.7303	0.3937
4108	0.1555	0.0741	5103	0.6538	0.3576
4109	0.2049	0.1074	5106	0.6538	0.3576
4201	0.4422	0.1418	5108	0.5240	0.2536
4301	0.6635	0.3496	5109	0.6986	0.2587
4302	0.5826	0.2142	5201	0.3163	0.1312
4304	0.6394	0.3038	5204	0.9080	0.3662
4305	0.9470	0.3447	5206	0.5219	0.1808
4401	0.3995	0.1990	5207	0.1289	0.0907
4402	0.6263	0.3155	5208	0.8234	0.3465
4404	0.3812	0.1883	5209	0.6803	0.2976
4501	0.1231	0.0700	5301	0.0287	0.0152

Base Rates Effective
January 1, 1998

Base Rates Effective
January 1, 1998

Class	Base Rates Effective January 1, 1998		Class	Base Rates Effective January 1, 1998	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
5305	0.0390	0.0242	6509	0.2135	0.1322
5306	0.0412	0.0223	<u>6510</u>	<u>0.2925</u>	<u>0.1685</u>
5307	0.3396	0.1413	<u>6511</u>	<u>0.2925</u>	<u>0.1685</u>
6103	0.0529	0.0397	6601	0.1525	0.0981
6104	0.2333	0.1312	6602	0.4193	0.2114
6105	0.1800	0.0854	6603	0.2957	0.1532
6107	0.0883	0.0624	6604	0.0523	0.0323
6108	0.3969	0.2358	6605	0.2417	0.1805
6109	0.0641	0.0315	6607	0.1198	0.0735
6110	0.3812	0.1874	6608	0.2993	0.1107
6201	0.3014	0.1201	6614	399.0000*	460.0000*
6202	0.5730	0.2749	6615	147.0000*	167.0000*
6203	0.0591	0.0444	6616	125.0000*	144.0000*
6204	0.1284	0.0834	6617	44.0000*	50.0000*
6205	0.1867	0.1063	6618	70.0000*	79.0000*
6206	0.1564	0.0889	6620	1.1163	0.5271
6207	0.9751	0.7654	6704	0.1026	0.0580
6208	0.2087	0.1632	6705	0.5747	0.4118
6209	0.2111	0.1314	6706	0.3038	0.2076
6301	0.1426	0.0529	6707	1.3843	0.8472
6302	0.1442	0.0800	6708	4.4763	3.5090
6303	0.0651	0.0327	6709	0.1414	0.1035
6304	0.1710	0.1155	6801	0.2337	0.1047
6305	0.0656	0.0402	6802	0.3428	0.2222
6306	0.2547	0.1272	6803	1.0538	0.2027
6308	0.0521	0.0267	6804	0.1957	0.0956
6309	0.1348	0.0829	6809	3.2414	2.7886
6402	0.2712	0.1362	6901	0.0000	0.0399
6403	0.1718	0.1067	6902	0.9373	0.2451
6404	0.1604	0.0994	6903	4.6292	1.3618
6405	0.5424	0.2360	6904	0.2188	0.0954
6406	0.0622	0.0406	6905	0.2642	0.1256
6407	0.1950	0.1090	6906	0.0000	0.1256
6408	0.3073	0.1456	6907	1.0827	0.4467
6409	0.5270	0.2261	6908	0.4326	0.2047
6410	0.1438	0.0806	6909	0.0866	0.0487
6501	0.0962	0.0491	<u>7002</u>	<u>0.0000</u>	<u>0.0000</u>
6502	0.0253	0.0141	7101	0.0264	0.0144
6503	0.0728	0.0252	7102	2.1732	2.5468
6504	0.3039	0.2187	7103	0.3091	0.1232
6505	0.0798	0.0545	7104	0.0204	0.0135
6506	0.0737	0.0441	7105	0.0210	0.0132
6508	0.2925	0.1685	7106	0.1334	0.0673

PERMANENT

Class	Base Rates Effective January 1, 1998		WAC	Description
	Accident Fund	Medical Aid Fund		
7107	0.2202	0.1226	WAC 296-17-400	Mercantile operations.
7108	0.1487	0.1072	WAC 296-17-410	Division of single employee's worker hours.
7109	0.1350	0.0890	WAC 296-17-411	Classification for employees supporting separate operations.
7110	0.2958	0.1160	WAC 296-17-420	General inclusions.
7111	0.3619	0.1902	WAC 296-17-430	General exclusions.
7112	0.5361	0.2518	WAC 296-17-440	Standard exceptions.
7113	0.5638	0.2450	WAC 296-17-44001	Business described by a standard exception classification.
7114	0.5968	0.4148	WAC 296-17-441	Special exceptions.
7115	0.4644	0.2423	WAC 296-17-450	Special agricultural classification interpretations.
7116	0.4441	0.2204	WAC 296-17-45001	Special horse racing classification interpretation.
7117	0.9669	0.5481	WAC 296-17-45002	Special trucking industry rules.
7118	1.7933	0.8898	WAC 296-17-45003	Building, construction and erection contractor reporting rules.
7119	1.8051	0.7607	WAC 296-17-45004	Forest, range, or timber land services—Industry rule.
7120	4.3722	2.2248	WAC 296-17-45005	Logging and/or tree thinning—Mechanized operations—General reporting rule.
7121	4.8163	2.2131	WAC 296-17-45006	Special drywall industry rule.
7201	1.0637	0.3586	WAC 296-17-455	Special temporary help classification interpretation.
7202	0.0414	0.0199	WAC 296-17-460	Classification phraseology.
7203	0.0914	0.0709	WAC 296-17-470	Penalty assessments for employers who fail to register under Title 51 RCW.
7204	0.0000	0.0000	WAC 296-17-721	Classification 6508.
7301	0.5428	0.2204		
7302	0.5759	0.3230		
7307	0.5278	0.2969		
7308	0.1680	0.1181		
7309	0.1414	0.1035		

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-17-310 General rules and instructions.
- WAC 296-17-320 General definitions.
- WAC 296-17-345 Professional and semiprofessional athletic teams.
- WAC 296-17-350 Assumed worker hours.
- WAC 296-17-360 Assignment of classification by analogy.
- WAC 296-17-370 Governing classification.
- WAC 296-17-380 Single enterprise.
- WAC 296-17-390 Multiple enterprises.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-14-010 Reciprocal agreements—Industrial insurance.
- WAC 296-14-015 Industrial insurance labor-management cooperation program.

PERMANENT

WSR 98-18-046
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed August 28, 1998, 3:28 p.m.]

Date of Adoption: August 25, 1998.

Purpose: To repeal entire chapter 196-04 WAC.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 196-04-010, 196-04-020, 196-04-025, 196-04-030, and 196-04-040.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 98-15-019 on July 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 5.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 28, 1998

George A. Twiss
 Executive Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|----------------|---|
| WAC 196-04-010 | Marine surveyors. |
| WAC 196-04-020 | Branch of marine surveyor discontinued. |
| WAC 196-04-025 | Board of registration for professional engineers and land surveyors—Powers and duties. |
| WAC 196-04-030 | Chief executive of the board of registration for professional engineers and land surveyors—Duties, qualifications. |
| WAC 196-04-040 | Assistant registrar for board of registration for professional engineers and land surveyors—Duties, qualifications. |

WSR 98-18-053
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed August 28, 1998, 4:09 p.m.]

Date of Adoption: August 19, 1998.

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.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 308-33-020 and 308-33-080; and amending WAC 308-33-011, 308-33-030, 308-33-060, 308-33-071, 308-33-090, 308-33-095, and 308-33-105.

Statutory Authority for Adoption: Chapter 19.31 RCW and RCW 43.240.086 [43.24.086].

Other Authority: Chapter 346, Laws of 1998.

Adopted under notice filed as WSR 98-13-028 on June 8, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-33-105, the fee increase is as follows: Main office original application and license - \$783.00; renewal - \$648.00. Branch office original application and license - \$540.00; renewal - \$540.00.

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 7, 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 7, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 7, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 2.

Effective Date of Rule: Thirty-one days after filing.

August 28, 1998

Mary L. Jelvik
 Administrator

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 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
<u>Less than \$300.00</u>	<u>Up to \$90.00</u>	<u>30%</u>
<u>\$300.00 to \$349.99</u>	<u>\$120.00 to \$139.99</u>	<u>40%</u>
<u>\$350.00 to \$399.99</u>	<u>\$175.00 to \$199.99</u>	<u>50%</u>

~~(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.~~

- (1) Amount of fee expressed in dollars;
- (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.

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))~~:

PERMANENT

~~((5) Any contracts in accordance with subsection (4) shall contain the necessary information required by RCW 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)) \$783.00
Renewal	(((\$600.00)) 648.00

Title of Fee	Fee
Transfer of license	150.00
Duplicate license	15.00
New/amended contract or fee schedule review	50.00
Branch office:	
Original application and license	(((\$500.00)) 540.00
Renewal	(((\$500.00)) 540.00
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 98-18-056
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Juvenile Rehabilitation Administration)

[Filed August 31, 1998, 10:26 a.m., effective September 1, 1998]

Date of Adoption: August 31, 1998.

Purpose: The primary purpose for adopting these rules is to meet rule-making requirements specifically identified in chapter 269, Laws of 1998, and RCW 13.40.460. These rules are designed to improve public safety by strengthening the safeguards in assessment, placement, oversight, and monitoring of juvenile offenders placed in community facilities. The safety of juvenile offenders will also be enhanced by considering sexual vulnerability and sexual aggression in placement decisions and expanding background check requirements for employees, volunteers, and contracted service providers.

Citation of Existing Rules Affected by this Order: Amending WAC 275-37-010, 275-46-010, 275-46-020, 275-46-030, 275-46-040, 275-46-050, 275-46-060, and 275-46-070.

Statutory Authority for Adoption: RCW 72.05.400, [72.05.]405, [72.05.]410, [72.05.]415, [72.05.]425, [72.05.]430, [72.05.]435, [72.05.]440, 74.15.210, 13.40.460 and [13.40.]480.

Adopted under notice filed as WSR 98-14-061 on June 29, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 275-37-010, defines "community facility" for clarification.

Chapter 275-37 WAC

**(DIVISION OF) JUVENILE REHABILITATION
ADMINISTRATION—RULES, PRACTICES, AND
PROCEDURES**

WAC 275-37-030, "may" replaced "must" in relation to background checks for people identified as having "limited access" to juveniles. "Felony" was added to qualify the type of sex offenses resulting in automatic disqualification of certain potential employees, volunteers, or contractors. Adds background check requirements for contracting agencies in subsection (4). These changes were made to remain within the scope of laws related to JRA background checks and to add clarification.

WAC 275-46-010, "contract" was replaced with "inter-agency agreement" in the community facility definition to reflect the actual type of agreement used. The definition of "separate living unit" was expanded to add clarity and consistency with statutory intent.

WAC 275-46-030, "may" replaced "must" to require a maximum security classification assignment to certain juveniles.

WAC 275-46-060, adds statutory placement criteria.

WAC 275-46-065, makes corrections to reflect JRA's statutory authority to place juveniles while under commitment and clarifies what is "required" vs. "allowed."

WAC 275-46-070, subsection (1)(i) clarifies the juvenile must "use" inhalants for the behavior to be considered a serious violation. "Or circumstances" was deleted in subsection (1)(l) because behavior should be present to result in disciplinary action.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 6, Amended 8, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 8, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 8, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Statutory requirement to implement on September 1, 1998.

Effective Date of Rule: September 1, 1998.

August 31, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-37-010 Definitions. As used in this chapter:

(1) "Assistant secretary" means the assistant secretary of the juvenile rehabilitation administration.

(2) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to an interagency agreement with the department is not a community facility.

(3) "Department" means the department of social and health services.

~~((2) "Director" means the director of the division of juvenile rehabilitation or his or her designee.~~

~~(3) "Division" means the division of juvenile rehabilitation.)~~

(4) "JRA" means the juvenile rehabilitation administration, department of social and health services.

(5) "Limited access" means supervised access to a juvenile(s) that is the result of the person's regularly scheduled activities or work duties. For the purpose of this definition, juvenile means a juvenile offender under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.

(6) "~~((Regional))~~ Program administrator" means ~~((the))~~ institution superintendent, regional administrator ~~((of one of the division's six administrative regions)), or their designees.~~

~~((5))~~ (7) "Regular access" means unsupervised access to a juvenile(s), for more than a nominal amount of time, that is the result of the person's regularly scheduled activities or work duties. For the purpose of this definition, juvenile means a juvenile offender under the jurisdiction of JRA or a youthful offender under the jurisdiction of the department of corrections who is placed in a JRA facility.

(8) "Secretary" means the secretary of the department of social and health services.

~~((6) "Superintendent" means the superintendent of one of the division's three institutions or two forest camps.)~~

NEW SECTION

WAC 275-37-030 Background checks. (1) JRA must conduct background checks on prospective employees, volunteers, and individual contracted service providers who will have regular access to juveniles. Background checks may be conducted on prospective employees, volunteers, and individual contracted service providers who will have limited access to juveniles.

(a) Background check procedures must be established in order to investigate and determine suitability of a person in a position who will have regular access or limited access to juveniles under the jurisdiction of JRA.

PERMANENT

(b) Employees, volunteers, or individual contracted service providers who are authorized for regular access do not require the presence of another person cleared through the designated background check process during the performance of their duties.

(c) The presence of another person cleared through the designated background check process is required for people authorized to have limited access to juveniles.

(2) Effective September 1, 1998, potential employees, volunteers, and individual contracted service providers must not be hired, engaged, or authorized in a position which allows regular access if the individual has been convicted of:

(a) Any felony sex offense as defined in RCW 9.94A.030 and RCW 9A.44.130; or

(b) Any violent offense as defined in RCW 9.94A.030.

(3) Effective September 1, 1998 employees, volunteers, and individual contracted service providers who are authorized for regular access to a juvenile(s) must report any conviction of a crime identified in subsection (2). The report must be made to the person's supervisor within seven days of conviction. Failure to report within seven days constitutes misconduct under Title 50 RCW.

Employees, volunteers, and individual contracted service providers who have been convicted of offenses in subsection (2) must not have regular access to a juvenile(s).

(4) JRA must require background checks to be conducted on prospective employees and volunteers of contracting agencies if the person will have regular access to juveniles.

(a) Requirements of subsections (1) through (3) of this section must be met by contracted service providers.

(b) The contracted service provider or designee of an agency contracting with JRA for the provision of a community facility must ensure background check investigations are conducted in accordance with department licensing requirements.

Chapter 275-46 WAC

~~((SECURITY CLASSIFICATION))~~ PLACEMENT OF JUVENILE OFFENDERS COMMITTED TO THE JUVENILE REHABILITATION ADMINISTRATION (JRA)

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-010 Definitions. As used in this chapter:

(1) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to an interagency agreement with the department is not a community facility.

(2) "Community placement eligibility requirements" means requirements developed by JRA that must be met by a youth to demonstrate progress in treatment and low public safety risk, ~~((justifying))~~ which justify an institutional minimum or minimum security classification for the youth.

~~((2))~~ (3) "Initial security classification assessment" means a written instrument, developed by JRA and administered by diagnostic staff, to determine to what extent a ~~((youth))~~ juvenile is a threat to public safety for the purpose of determining the ~~((youth's))~~ juvenile's security classification when the ~~((youth))~~ juvenile initially is committed to JRA.

~~((3))~~ (4) "JRA" means juvenile rehabilitation administration, department of social and health services.

~~((4))~~ (5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Program administrator" means institution superintendent, regional administrator, or their designees.

(7) "Separate living unit" means sleeping quarters and areas used for daily living activities not specific to treatment and education programs located in a building, wing, or on a different floor which separates resident groups.

(8) "Service provider" means the entity that operates a community facility.

(9) "Specialized treatment program" means a program that addresses additional rehabilitation needs such as sex offender treatment, drug/alcohol treatment, mental health interventions, gang intervention, gender/age specific intervention and other programs meeting specific rehabilitation needs of juveniles.

NEW SECTION

WAC 275-46-015 Assessment. (1) Risk assessment and treatment needs must be the basis of placement decisions involving juveniles.

(2) JRA must ensure juveniles are assessed to determine appropriate placement and treatment programming. Ongoing risk and needs assessment must occur during a juvenile's commitment to JRA.

(3) Risk assessment must include:

(a) Risk to public safety;

(b) Risk for sexually aggressive behavior; and

(c) Risk for vulnerability to sexual aggression.

(4) JRA must use a security classification system to assist in placement decisions.

(5) Student records and information as described in RCW 72.05.425 are required for juvenile offender risk assessment, security classification assignment, and JRA community placement decisions. Designated school officials must ensure student records are provided to the identified juvenile court or JRA representative as required in RCW 28A.600.475 and RCW 13.40.480.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-020 Security classifications. (1) There are four JRA security classifications:

(a) Maximum;

(b) Medium;

(c) Institutional minimum; and

(d) Minimum.

(2) ~~((Prior to placement, a youth's))~~ A juvenile's initial security classification ~~((shall be))~~ is determined ~~((utilizing))~~ using the initial security classification assessment. A ~~((youth's))~~ juvenile's security classification may be changed at any time, and ~~((shall))~~ be reviewed at ~~((least every ninety days))~~ regular intervals as determined by JRA policy.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-030 Maximum security. (1) A maximum security classification ~~((may))~~ must be assigned to a ~~((youth))~~ juvenile if:

(a) Indicated by the initial security classification assessment; or

(b) Following the initial security classification, it is determined the ~~((youth))~~ juvenile:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires maximum security restrictions to ~~((carry out the purpose of this chapter as set forth in WAC 275-46-005))~~ protect public safety, encourage the juvenile to participate in treatment and follow facility rules, or enhance the safe and orderly operation of the facility.

(2) A ~~((youth))~~ juvenile classified as maximum security ~~((shall))~~ must:

(a) Reside in an institution with the capability of:

(i) Security windows;

(ii) Locked exterior doors;

(iii) Lockable single-person rooms; and

(iv) A security fence.

(b) Be permitted movement between secured buildings only if accompanied by a close staff escort;

(c) Be confined to facility grounds, except for court appearances or emergencies, in which case a staff escort, and transportation in restraints and in a security vehicle, are required; and

(d) Be allowed authorized leave only for emergency and medical purposes pursuant to RCW 13.40.205.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-040 Medium security. (1) A medium security classification ~~((shall))~~ must be assigned to a ~~((youth))~~ juvenile if:

(a) Indicated by the initial security classification assessment; or

(b) Following the initial security classification, it is determined ~~((that))~~ the ~~((youth))~~ juvenile:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires medium security restrictions to ~~((carry out the purpose of this chapter as set forth in WAC 275-46-005))~~ protect public safety, encourage the juvenile to participate in treatment and follow facility rules, or enhance the safe and orderly operation of the facility.

(2) A ~~((youth))~~ juvenile classified as medium security ~~((shall))~~ must:

(a) Reside in an institution with the capability of at least:

(i) ~~((Locked))~~ Lockable exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) Receive during movement a staff escort, continuous visual surveillance, or telephone/radio staff verification of departures and arrivals, unless the program administrator determines such measures are unnecessary;

(c) Be confined to facility grounds, except for:

(i) Participation in work crews or other programs outside the facility that require a close staff escort; and

(ii) Court appearances or emergencies, in which case a staff escort, and transportation in a security vehicle and/or in restraints, are required.

(d) Be allowed authorized leave only for emergency or medical purposes pursuant to RCW 13.40.205.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-050 Institutional minimum. (1) An institutional minimum classification ~~((shall))~~ must be assigned to a ~~((youth))~~ juvenile if:

(a) Indicated by the initial security classification assessment;

(b) Indicated by the community placement eligibility requirements unless a recent incident indicates the ~~((youth))~~ juvenile no longer meets these requirements; or

(c) The assistant secretary for JRA or designee approves an override of the medium security classification.

(2) Even if eligible under subsection (1) of this section, a ~~((youth shall))~~ juvenile must not receive an institutional minimum security classification if:

(a) The assistant secretary for JRA, or designee, signs an administrative override disapproving institutional minimum classification and assigning the ~~((youth))~~ juvenile a higher security classification; or

(b) The ~~((youth))~~ juvenile is a sex offender who meets the requirements for civil commitment referral ~~((pursuant to))~~ under chapter 71.09 RCW or is classified as a risk level III under RCW 13.40.217.

(3) A ~~((youth))~~ juvenile classified as institutional minimum security:

(a) ~~((shall))~~ Must reside in an institution with the capability of at least:

(i) ~~((Locked))~~ lockable exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) May be permitted:

(i) Unescorted movement on facility grounds;

(ii) Participation in work crews or other programs outside the facility with a close staff escort;

(iii) Unescorted participation in community work, educational and community service programs, and family treatment or other activities to strengthen family ties, for up to twelve hours per day; and

(iv) Authorized leave pursuant to RCW 13.40.205.

(4) A ~~((youth))~~ juvenile on institutional minimum security ~~((shall))~~ must be transferred to minimum security upon the availability of an appropriate community placement if:

(a) Ten percent of the juvenile's sentence, and in no case less than thirty days, has been served in a secure facility; and

(b) All placement assessment requirements have been met.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-060 Minimum security. (1) The provisions of WAC 275-46-050 also apply to a ~~((youth))~~ juvenile classified as minimum security, except the ~~((youth shall:~~

~~(+) juvenile must reside in a community ((placement)) facility or a community commitment program facility (CCP) rather than in an institution((-and)).~~

(2) Juveniles must not be placed in a community facility until:

(a) Ten percent of the juvenile's sentence, and in no case less than thirty days, has been served in a secure facility; and

(b) All placement assessment requirements have been met.

(3) In addition to the provisions of WAC 275-46-050 (3)(b)(iii), minimum security juveniles may be permitted unescorted participation in treatment programs in the community that do not ((involving)) involve the family for up to twelve hours per day.

NEW SECTION

WAC 275-46-065 Special placement restrictions. Certain placement restrictions apply to community facilities that are commonly used by and under the jurisdiction of both JRA and the children's administration.

(1) When juveniles under commitment to JRA are assessed as a high to moderate risk for sexually aggressive behavior, they may not be placed in a community facility with youths under the jurisdiction of children's administration unless:

(a) They are placed in a separate living unit solely for juveniles currently under the jurisdiction of JRA; or

(b) They are placed in a program that contracts specifically for the provision of services to sexually aggressive youth.

(2) Juveniles under commitment to JRA for a class A felony may not be placed in these community facilities unless:

(a) They are housed in a separate living unit solely for juveniles currently under the jurisdiction of JRA;

(b) They are placed in a community facility that is a specialized treatment program and the juvenile is not assessed as sexually aggressive under RCW 13.40.470; or

(c) They are placed in a community facility that is a specialized treatment program housing one or more sexually aggressive youth and the juvenile is not assessed as sexually vulnerable under RCW 13.40.470.

AMENDATORY SECTION (Amending WSR 96-18-041, filed 8/29/96, effective 9/29/96)

WAC 275-46-070 Residential disciplinary ~~((sanctions))~~ standards. (1) ~~((The program administrator shall~~

~~determine))~~ Serious violations by a ((youth)) juvenile include:

(a) Escape or attempted escape;

(b) ~~((Staff assault or attempted staff assault))~~ Violence toward others with intent to harm and/or resulting in significant bodily injury;

(c) ~~((Peer assault or attempt peer assault))~~ Involvement in or conviction of a criminal offense under investigation by law enforcement or awaiting adjudication for behavior that occurred during current placement;

(d) Extortion~~((;))~~ or blackmail~~((-or demanding or receiving money or anything of value from other persons in return for protection or under threat of injury))~~ that threatens the safety or security of the facility or community;

(e) ~~((Using physical force, intimidation, or coercion against any person;~~

(f) Setting or causing an unauthorized fire with intent to harm self, others, or property, or with reckless disregard for the safety of others;

~~((g))~~ (f) Possession~~((f))~~ or manufacture of weapons~~((f))~~ or explosives~~((escape tools;~~

(h) Tampering with locks or other security hardware or equipment;

(i) or tools intended to assist in escape;

(g) Interfering with staff in performing duties relating to the security and/or safety of the facility or community;

~~((j))~~ (h) Intentional property damage in excess of one thousand five hundred dollars;

~~((k))~~ (i) Possession~~((f))~~, use~~((f))~~, or distribution of drugs or alcohol ~~((or paraphernalia)), or use of inhalants;~~

~~((l))~~ (j) Rioting or inciting others to riot;

~~((m))~~ (k) Refusal of urinalysis or search; or

~~((n))~~ (l) Other behaviors which threaten the safety ~~((and))~~ or security of the facility ~~((or))~~, its staff ~~((and))~~, or residents or the community.

(2) ~~((The program administrator shall document all serious violations in an incident report, including:~~

(a) Circumstances leading up to the violation;

(b) A description of the violation;

(c) Response by staff;

(d) Response by the youth; and

(e) Sanctions imposed or recommended for the violation.

(3) ~~((The program administrator shall determine sanctions))~~ Other violations by a juvenile placed in a community facility include:

(a) Unaccounted for time when a juvenile is away from the community facility;

(b) Violation of conditions of authorized leave;

(c) Intimidation or coercion against any person;

(d) Misuse of medication such as hoarding medication or taking another person's medication;

(e) Self-mutilation, self tattooing, body piercing, or assisting others to do the same;

(f) Intentional destruction of property valued at less than fifteen hundred dollars;

(g) Fighting;

(h) Unauthorized withdrawal of funds with intent to commit other violations;

(i) Suspensions or expulsions from school or work;

(j) Violations of school, employment or volunteer work agreements related to custody and security concerns;

(k) Escape talk;

(l) Sexual contact or any other behavior, not defined as a serious violation, resulting in a referral to the department of licensing, child protective services, or law enforcement; or

(m) Lewd or disruptive behavior in the community.

(3) Juveniles must be held accountable when there is reasonable cause to believe they have committed a violation.

(a) Whenever a juvenile placed in a community facility commits a serious violation, the juvenile must be returned to an institution. The JRA program administrator who receives a service provider report of a serious violation must make arrangements to transfer the juvenile to an institution as soon as possible. Juveniles may be placed in a secure JRA or contracted facility pending transportation to an institution.

(b) Sanctions for serious violations committed by juveniles in an institution, and additional sanctions for serious violations committed by juveniles returned to an institution, must include one or more of the following:

~~((a))~~ (i) Loss of privileges for up to thirty days;

~~((b))~~ (ii) Loss of program level; or

~~((c))~~ (iii) Room confinement up to seventy-two hours.

~~((4) The program administrator shall determine))~~ (c) Sanctions for serious violations may also include, but are not limited to, one or more of the following:

~~((a))~~ (i) Change in release date;

~~((b))~~ (ii) Referral for prosecution;

~~((c))~~ (iii) Transfer to an intensive management unit;

~~((d))~~ (iv) Increase in security classification;

~~((e))~~ (v) Reprimand and loss of points;

~~((f))~~ (vi) Restitution; or

~~((g))~~ (vii) Community service.

~~((5))~~ (d) Sanctions for violations listed in WAC 275-46-070(2) may include transfer to a higher security facility and must include one or more of the following:

(i) Loss of privileges;

(ii) Loss of program level;

(iii) Room confinement up to seventy-two hours;

(iv) Change in release date;

(v) Reprimand and/or loss of points;

(vi) Additional restitution; or

(vii) Community service.

(4) When a sanction is imposed, the ~~((youth shall))~~ juvenile must also receive a counseling intervention to address the violation.

~~((6))~~ (5) If the proposed sanctions for ~~((a serious))~~ any violation includes extending the ~~((youth's))~~ juvenile's established release date, the ~~((youth shall))~~ juvenile must be entitled to:

(a) Notice of an administrative review to consider extension of the release date and a written statement of the incident;

(b) An opportunity to be heard before a neutral review chairperson;

(c) Present oral or written statements, and call witnesses unless testimony of a witness would be irrelevant, repetitive, unnecessary, or would disrupt the orderly administration of the ~~((institution))~~ facility;

(d) Imposition of the sanction only if the administrative review chairperson finds by a preponderance of the evidence that the serious violation did occur; and

(e) A written decision, stating the reasons for the decision, by the administrative review chairperson.

~~((7) The program administrator shall conspicuously post notice of what constitutes a serious violation, and of the))~~ (6) Each superintendent and service provider must clearly post the list of serious violations and possible sanctions in all living units.

~~((8))~~ (7) Each program administrator ~~((shall))~~ must adopt procedures for implementing the requirements of this section.

NEW SECTION

WAC 275-46-080 Documenting and reporting violations committed by juveniles in residential facilities. (1) All serious violations and violations listed in WAC 275-46-070(2) must be documented in an incident report. The incident report must include:

(a) Circumstances leading up to the violation(s);

(b) A description of the violation;

(c) Response by staff;

(d) Response by the juvenile(s) involved in the incident; and

(e) Sanctions imposed or recommended for the violation(s).

(2) Service providers must:

(a) Forward all incident reports to the JRA program administrator no later than twenty-four hours after the behavior is discovered; and

(b) Verbally report serious violations to the JRA program administrator immediately.

NEW SECTION

WAC 275-46-090 Service provider penalty schedule.

(1) Whenever a service provider contracts with the JRA to operate a community facility, the contracted service provider must report any known violation as required in WAC 275-46-080.

(2) If the contracted service provider fails to report violations within the prescribed time frames, the JRA must impose one or more of the following remedies:

(a) Imposition of a corrective action plan to be completed as determined by the program administrator.

(b) Imposition of the following monetary penalties:

(i) The first time fines are imposed on a service provider, the penalty must be at the rate of fifty dollars per day for each juvenile involved in a violation that was not reported as required. The penalty must be assessed for each day the report was late, and may continue until a corrective action plan is approved by the program administrator.

(ii) Subsequent fines imposed on the service provider during the same calendar year must be at the rate of seventy-five dollars per day for each juvenile involved in a violation that was not reported as required. The penalty must be assessed for each day the report was late, and may continue

PERMANENT

until a corrective action plan is approved by the program administrator.

(c) Order to stop placement until a corrective action plan is submitted, approved by the program administrator, and implemented.

(d) Termination of the contract for convenience if it is determined such termination is in the best interests of the department.

NEW SECTION

WAC 275-46-100 Adjudicative proceedings. (1) Contracted service providers have the right to an adjudicative proceeding to contest fines and stop placement orders imposed under WAC 275-46-090. Adjudicative proceedings under this section are governed by the rules of this chapter and by chapter 34.05 RCW (Administrative Procedure Act), RCW 43.20A.215, RCW 74.15.210, and by chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provisions of this chapter shall govern.

(2) Applications for adjudicative proceedings shall be in writing and filed with the DSHS board of appeals within twenty-eight days of receipt of the notice of civil penalty or of the stop placement order.

(3) Stop placement orders imposed under WAC 275-46-090 which are contested under this section shall remain in effect pending the final agency decision.

**WSR 98-18-060
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
(Apple Advertising Commission)**

[Filed August 31, 1998, 2:13 p.m., effective October 1, 1998]

Date of Adoption: August 31, 1998.

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.

Citation of Existing Rules Affected by this Order: Amending WAC 24-12-010.

Statutory Authority for Adoption: Chapter 15.24 RCW and chapter 303, Laws of 1997.

Adopted under notice filed as WSR 98-13-121 on June 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 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: October 1, 1998.

August 31, 1998

Steve Lutz

President

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.

PERMANENT

WSR 98-18-066
PERMANENT RULES
STATE BOARD OF HEALTH

[Filed August 31, 1998, 4:19 p.m.]

Date of Adoption: August 12, 1998.

Purpose: Adopts by reference the 1997 national shellfish sanitation program model ordinance.

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-005.

Statutory Authority for Adoption: RCW 69.30.030.

Adopted under notice filed as WSR 98-14-122 on July 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 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 28, 1998

Sylvia I. Beck

Executive Director

AMENDATORY SECTION (Amending WSR 98-03-096, filed 1/21/98, effective 2/21/98)

WAC 246-282-005 Minimum performance standards. (1) Every person engaged in a shellfish operation shall comply with and shall be subject to:

(a) The (~~("satisfactory compliance" standards~~)) requirements of the (~~(1995 revision of the)~~) 1997 National Shellfish Sanitation Program (NSSP) ((Manual of Operations Part I and H)) Model Ordinance, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. Copies can be obtained through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of shellfish programs.

(b) The provisions of 21 CFR, Part 123 - Fish and Fishery Products, adopted December 18, 1995, by the United States Food and Drug Administration, regarding Hazard Analysis Critical Control Point (HACCP) plans. Copies can be obtained through the U.S. Food and Drug Administration, Office of Seafood, and the Washington state department of health, office of shellfish programs.

(c) All other provisions of this chapter.

(2) Where a "satisfactory compliance" provision or a provision of 21 CFR, Part 123, is inconsistent with a provision otherwise established under this chapter or other state

law or rule, the more stringent provision, as determined by the department, shall apply.

WSR 98-18-067
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed August 31, 1998, 4:24 p.m.]

Date of Adoption: July 29, 1998.

Purpose: Repeals WAC 246-490-019. The legal documentation requirements in this rule do not meet requirements outlined in the Washington State Welfare Reform Act, chapter 58, Laws of 1997. The rule is also in conflict with new Federal Welfare Reform Act.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-490-019.

Statutory Authority for Adoption: RCW 43.70.040 and 43.70.150.

Adopted under preproposal statement of inquiry filed as WSR 97-20-157 on October 1, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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.

August 27

Kristine Van Gorkom

Deputy Secretary

WSR 98-18-079
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed September 1, 1998, 11:14 a.m., effective September 1, 1998]

Date of Adoption: September 1, 1998.

Purpose: To amend MAA rules that have been partially incorporated into the adopted rules filed as WSR 98-16-044 in order to avoid duplication.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-005, 388-506-0620, and 388-511-1105.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Adopted under notice filed as WSR 98-15-140 on July 22, 1998.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-86-005 (4), (6), and (7) are being retained because they were not fully incorporated into WAC 388-529-0200 with the filing of WSR 98-16-044 as originally planned.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Per RCW 34.05.380 (3)(c), the earlier effective date of September 1, 1998, is necessary to coincide with the effective date of WSR 98-16-044, in order to avoid the conflict and confusion of duplicate rules.

Effective Date of Rule: September 1, 1998.

September 1, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3913, #100246, filed 10/25/95, effective 10/28/95)

WAC 388-86-005 Limitations on services available to recipients of categorically needy medical assistance. (1) ~~((The department shall provide the following Title XIX mandatory services:~~

~~(a) Early and periodic screening diagnosis and treatment services to an eligible person twenty years of age or under;~~

~~(b) Family planning services;~~

~~(c) Federally qualified health center services;~~

~~(d) Home health agency services;~~

~~(e) Inpatient and outpatient hospital care;~~

~~(f) Medicare certified rural health clinic services;~~

~~(g) Other laboratory and x-ray services;~~

~~(h) Skilled nursing home care;~~

~~(i) Certified registered nurse practitioner services; and~~

~~(j) Physicians' services in the office or away from the office as needed for necessary and essential medical care.~~

(2) The department shall provide the following Title XIX optional services:

(a) Anesthesia services;

(b) Blood;

~~(c) Chiropractic services;~~

~~(d) Drugs and pharmaceutical supplies;~~

~~(e) Eyeglasses and examination;~~

~~(f) Hearing aids and examinations;~~

~~(g) Hospice services;~~

~~(h) Licensed midwife services;~~

~~(i) Maternity support services;~~

~~(j) Oxygen;~~

~~(k) Personal care services;~~

~~(l) Physical therapy services;~~

~~(m) Private duty nursing services;~~

~~(n) Surgical appliances;~~

~~(o) Prosthetic devices and certain other aids to mobility;~~

and

~~(p) Dental services.~~

~~(3) The department shall limit))~~ Organ transplants are limited to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

~~((4))~~ (2) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys when the client is in the home, hospital, or kidney center as described under WAC 388-86-050(12).

~~((5) The department shall provide))~~

(3) Detoxification and medical stabilization are provided to chemically-using pregnant women in a hospital.

~~((6))~~ (4) The department shall provide detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital having a detoxification provider agreement with the department.

~~((7))~~ (5) The department shall provide outpatient chemical dependency treatment in programs qualified under chapter 275-25 WAC and certified under chapter 275-19 WAC or its successor.

~~((8) For services available under the:~~

~~(a) Limited casualty program medically needy, see chapter 388-529 WAC; and~~

~~(b) Limited casualty program medically indigent, see chapter 388-529 WAC.~~

~~(9))~~ (6) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure.

~~((10))~~ (7) The department ~~((shall))~~ designates diagnoses that may require surgical intervention:

(a) Performed in other than a hospital in-patient setting; and

(b) Requiring prior approval by the department for a hospital admission.

~~((11) The department shall assure the availability of necessary transportation to and from medical services covered under a client's medical program.))~~

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-506-0620 SSI-related medical clients. (1) ~~((When determining program eligibility for medical care, the department shall limit relative financial responsibility from:~~

~~(a) The natural or adoptive parent or stepparent to a child seventeen years of age or younger living in the same household; and~~

~~(b) Spouse to spouse living in the same household.~~
~~(2) The department shall consider income and resources jointly for spouses when both spouses are SSI-related and live in the same household.~~

~~(3))~~ The department shall consider income and resources for an institutionalized:

(a) Child as described under WAC 388-513-1315(6); or

(b) Spouse as described under WAC 388-513-1330 and 388-513-1350.

~~((4))~~ (2) The department shall consider the income and resources of spouses as available to each other through the month in which the spouses stopped living together. See WAC 388-513-1330 and 388-513-1350 when a spouse is institutionalized.

~~((5))~~ (3) The department shall follow WAC 388-515-1505, 388-515-1510, or 388-515-1530 when one or both spouses are receiving community options program entry system (COPEs), community alternatives program (CAP), outward bound residential alternatives (OBRA), or coordinated community aids service alternatives (CASA) waived service program.

~~((6))~~ (4) The department shall allow a community spouse applying for medically needy a spousal deduction equal to the one-person medically needy income level (MNIL) less the spouse's income when:

(a) The community spouse is living in the same household as the spouse; and

(b) The spouse is receiving home-based and community-based services.

~~((7))~~ (5) The department shall consider income and resources separately as of the first day of the month following the month of separation when spouses stop living together because of placement into a congregate care facility (CCF), adult family home (AFH), adult residential rehabilitation center/adult residential treatment facility (ARRC/ARTF), or division of developmental disability-group home (DDD-GH) facility when:

(a) Only one spouse enters the facility;

(b) Both spouses enter the same facility but have separate rooms; or

(c) Both spouses enter separate facilities.

~~((8))~~ (6) The department shall consider income and resources jointly when spouses are placed in a CCF, AFH, ARRC/ARTF, or DDD-GH facility and share a room.

(7) See Wac 388-408-0055 for rules on medical assistance units that include SSI-related persons.

AMENDATORY SECTION (Amending WSR 97-03-036, filed 1/9/97, effective 2/9/97)

WAC 388-511-1105 SSI-related eligibility requirements. (1) For the purposes of SSI-related medical assistance, the client shall be:

(a) Sixty-five years of age or over; or

(b) Blind with:

(i) Central visual acuity of 20/200 or less in the better eye with the use of a correcting lens; or

(ii) A limitation in the fields of vision so the widest diameter of the visual field subtends an angle no greater than twenty degrees; or

(c) Disabled.

(i) Decisions on SSI-related disability are the responsibility of the medical assistance administration (MAA) and shall be subject to the authority of:

(A) Federal statutes and regulations codified at 42 U.S.C. Sec 1382c and 20 C.F.R. Parts 404 and 416, as amended; or

(B) Controlling federal court decisions which define the OASDI and SSI disability standard and determination process.

(ii) For MAA's purposes, "disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which:

(A) Can be expected to result in death; or

(B) Has lasted or can be expected to last for a continuous period of not less than twelve months.

(iii) In the case of a child seventeen years of age or younger, if the child suffers from any medically determinable physical or mental impairment of comparable severity.

(2) When a person has applied for Title II or Title XVI benefits and the SSA has denied the person's application solely because of a failure to meet Title II and Title XVI blindness or disability criteria, the SSA denial shall be binding on the department, unless the applicant's:

(a) SSA denial is under appeals in the reconsideration stage, the SSA's administrative hearing process, or the SSA's appeals council; or

(b) Medical condition has changed since the SSA denial was issued.

(3) The ineligible spouse, of an SSI beneficiary receiving a state supplement payment for the ineligible spouse, shall not be eligible for Medicaid as noninstitutional categorically needy. Such ineligible spouse may be eligible for noninstitutional medically needy.

(4) The client shall be resource eligible under WAC ~~((388-511-1110))~~ 388-478-0080 on the first day of the month to be eligible for any day or days of that month. The department shall make a resource determination of the first moment of the first day of the month. The department shall determine changes in the amount of a client's countable resources during a month do not affect eligibility or ineligibility for that month. Refer to WAC 388-513-1395 for an institutionalized client.

(5) The department shall consider a client under 1619(b) of the Social Security Act as eligible for SSI.

(6) The department shall provide a resident of Washington requiring medical assistance outside the United States care according to WAC 388-501-0180.

WSR 98-18-082

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed September 1, 1998, 1:54 p.m.]

Date of Adoption: August 25, 1998.

Purpose: To adjust fees in order to defray the cost of administering the camping resort program.

Citation of Existing Rules Affected by this Order:
Amending WAC 308-420-240.

Statutory Authority for Adoption: RCW 19.105.411,
43.240.086.

Adopted under notice filed as WSR 98-13-070 on June
15, 1998.

Changes Other than Editing from Proposed to Adopted
Version: Fee increase changed from 8% to 4%.

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 Nongov-
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-
tiative: 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 Mak-
ing: 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.

August 31, 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 reg-
istration shall pay a basic fee of (~~three thousand dollars~~)
\$3,120.00 for one camping resort. For each additional camp-
ing resort in this state a fee of (~~\$500.00~~) \$520.00 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 dol-
lars~~) \$1,040.00 for one resort plus (~~three hundred fifty dol-
lars~~) \$365.00 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 reg-
istration period. A late fee of eight hundred dollars shall be
assessed.

(4) **Fees for amending registration and public offer-
ing statements:**

(a) For each amendment of registration or the public
offering statement, pursuant to RCW 19.105.420, not requir-
ing an examination of documentation for adding camp-

grounds 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 dol-
lars 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 deposito-
ries:** 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 arrange-
ment 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 fil-
ing 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 advertise-
ments 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 sur-
veys or feasibility studies shall pay a fee of seventy-five dol-
lars.

(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 expira-
tion shall result in termination of the registration and a new
application for registration must be made. A duplicate regis-
tration 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 hun-
dred fifty dollars. If the exemption request is denied, the reg-
istrant 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.

(11) All fees shall be paid to the order of the Washington
state treasurer.

WSR 98-18-097
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed September 2, 1998, 11:08 a.m.]

Date of Adoption: September 2, 1998.

Purpose: Various rule changes and repeals are house-keeping changes to comply with chapter 321, Laws of 1997, and chapter 126, Laws of 1998. These legislative changes restructured the liquor licensing designation system. These rules are being revised to reflect these changes.

Citation of Existing Rules Affected by this Order: Repealing WAC 314-16-220 Class F licensees—Principal business sale of wine for off-premises consumption—Authorization for selling or serving samples and 314-22-010 Non-retail licenses—License designations; and amending WAC 314-12-025 Applicants for temporary licenses—Fee—Who qualifies, 314-12-130 No liquor deliveries on Sunday—Exceptions, 314-12-135 Business entertainment—Records, 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc., 314-12-141 Courses of instruction, 314-12-145 Credit on nonliquor food items—Conditions—Recordkeeping, 314-15-010 Motel—Definition—General provisions—Fee, 314-15-020 Purchase of liquor, 314-15-030 Sale of liquor—Motel, 314-15-040 Security and storage of liquor—Definition of honor bar—Motel, 314-15-050 Records—Motel, 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices, 314-16-025 "Minor prohibited" posting required in classified premises, 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list, 314-16-050 Hours of operation, 314-16-070 Minors—Employment, 314-16-075 Musicians, disc jockeys, sound or lighting technicians, persons performing janitorial services, employees of amusement device companies, security officers, fire fighters and law enforcement officers employment, 314-16-090 Bottles and containers—Reuse, 314-16-110 Liquor purchases by spirits, beer and wine restaurant, club and sports/entertainment facility licensees, 314-16-115 Hotels with spirits, beer and wine restaurants and spirits, beer and wine clubs with overnight sleeping accommodations—Sales by the bottle to registered guests—Conditions, 314-16-150 No sale of liquor to minors, intoxicated persons, etc., 314-16-160 Records—Purchases—Reports, 314-16-190 Spirits, beer and wine restaurant—Qualifications, 314-16-195 Spirits, beer and wine restaurant restricted—Qualifications, 314-16-196 Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises, 314-16-197 Minimum qualifications for applicants who apply for beer and/or wine restaurant licenses in lieu of presently held tavern license, 314-16-199 Cocktail lounge declassification—Sunday dining events, 314-16-200 Minimum qualifications for issuance of grocery store or beer and/or wine specialty shop licenses, 314-16-205 Minimum qualifications for issuance for a beer and wine gift delivery license, 314-16-210 Spirits, beer and wine restaurant license fees in unincorporated areas—Seasonal operations—Prorating fees, 314-16-230 Authorization for sale of beer and/or wine in unopened bottles for off-premises consumption under special occasion license, 314-16-240 Beer and/or wine specialty shop licenses—Principal business sale of beer

and wine for off-premises consumption—Authorization for selling or serving samples, 314-16-250 Retail sale of malt liquor in kegs, 314-16-220 Class F licensees—Principal business sale of wine for off-premises consumption—Authorization for selling or serving samples, 314-18-030 Applicants—Retail liquor licensees ineligible—Exceptions, 314-18-040 Issuance fee—Restrictions, 314-18-060 Liquor to be served and consumed—Restrictions, 314-20-005 Application procedure—Beer distributor's or importer's license, 314-20-010 Brewers—Importers—Distributors—Monthly reports—Tax refund procedures, 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirits, beer and wine restaurant operation, 314-20-020 Beer labels—Certificate of label approval required—Labels to be submitted, 314-20-030 Packages—Classification, 314-20-050 Beer distributors—Importers—Brewers—Records—Preservation, 314-20-060 Beer distributors and importers—Reports—Stamps, 314-20-070 Claims for defective keg beer—Replacement of overaged packaged beer—Procedures, 314-20-080 Sales to vessels, 314-20-090 Cash sales, 314-20-100 Beer distributor price posting, 314-20-105 Beer suppliers' price filings, contracts and memoranda, 314-24-006 Substandard wines prohibited, 314-24-040 Wine labels—Certificate of label approval required—Labels to be submitted, 314-24-080 Containers—Sizes and types permitted, 314-24-095 Fortified wine—Exception to definition when affidavit on file, 314-24-105 Application procedure—Wine distributor's or importer's license, 314-24-110 Domestic wineries, wine distributors, wine importers—Monthly reports—Bonds required—Payment of tax, 314-24-120 Importer of foreign wine—United States wineries—Certificate of approval required—Monthly reports—Records, 314-24-130 Case lot sales, 314-24-140 Sales to vessels, 314-24-150 Wine records—Preservation, 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Spirit, beer and wine restaurant operation, 314-24-170 Cash sales, 314-24-180 Wine distributors, wine importers—Certain rights granted, 314-24-190 Wine distributor price posting, 314-24-200 Wine suppliers' price filings, contracts and memoranda, 314-24-210 Return of wine by retailer—Replacement—Conditions, 314-24-220 Licensing and operation of bonded wine warehouses, 314-24-230 Wine shipper's license, 314-24-250 Labeling requirements for private wine shippers, 314-25-010 Definition and limitations, 314-25-020 Purchase and receipt of beer and wine, 314-25-030 Location—Auxiliary location—Inspection, 314-25-040 Delivery of beer and wine—Records, 314-26-010 Procedures for tax refunds, 314-27-010 Liquor purchases by Interstate Common Carrier licensees—Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers, 314-30-010 Sales by manufacturers, 314-37-010 Liquor sales in Indian country—Appointment of tribal liquor vendors—Qualifications, 314-44-005 Agent's license required—Eligible employers defined—Certain classes limited—Bona fide entity defined—Prohibited practices, 314-45-010 Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures, 314-52-005 Purpose and application of rules, 314-52-010 Mandatory statements, 314-52-040 Contests, competitive events, premiums and coupons,

314-52-070 Outdoor advertising, 314-52-080 Novelty advertising, 314-52-085 Programs and program folders, 314-52-090 Advertising sponsored jointly by retailers and manufacturers, importers, or distributors, prohibited, 314-52-110 Advertising by retail licensees, 314-52-113 Brand signs and point-of-sale displays on retail licensed premises, 314-52-115 Advertising by clubs—Signs, 314-70-010 Sale by spirits, beer and wine restaurant licensee of liquor stock after discontinuance of business, 314-70-020 Disposition by a governmental agency of lawfully seized liquors, except those which are required to be delivered to the board under RCW 66.32.090, 314-70-030 Purchases by spirits, beer and wine restaurant licensee of certain liquor stocks, and 314-70-040 Procedures for board purchase of liquor from governmental agencies.

Statutory Authority for Adoption: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060, 82.08.150.

Adopted under notice filed as WSR 98-12-090 on June 2, 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 88, 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: Thirty-one days after filing.

September 2, 1998

Nathan S. Ford, Jr.

Chairman

AMENDATORY SECTION (Amending WSR 96-03-004, filed 1/4/96, effective 2/4/96)

WAC 314-70-010 Sale by ~~((Class H))~~ spirit, beer and wine restaurant licensee of liquor stock after discontinuance of business. Notwithstanding any other provision of Title 66 RCW or Title 314 WAC, a ~~((Class H))~~ spirit, beer and wine restaurant licensee who permanently discontinues business for any reason shall dispose of the salable unopened liquor remaining in stock by sale to the board of the items originally purchased from the board. The board will pay the

total amount listed in the official price list then in effect, less the ~~((Class H))~~ spirit, beer and wine restaurant discount and tax exemption expressed as a percent of the total price and the percent of total expenses assigned to the merchandise division to gross sales as reported on the profit and loss statement in the last published annual report of the board. Combined percentages will be rounded up to a whole percent: *Provided, however,* That in the case of a sale of business with a ~~((Class H))~~ spirit, beer and wine restaurant licensee, after obtaining the approval of the board and under the supervision of a representative of the board, may sell the entire inventory of liquor to the incoming licensee at a negotiated price.

AMENDATORY SECTION (Amending Order 260, Resolution No. 269, filed 7/29/88)

WAC 314-70-020 Disposition by a governmental agency of lawfully seized liquors, except those which are required to be delivered to the board under RCW 66.32.090. Notwithstanding any other provision of Title 66 RCW or Title 314 WAC, governmental agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquors (except those which are required to be delivered to the board under RCW 66.32.090) as follows:

(1) The governmental agency may sell spirituous unopened salable liquor, and/or wine and beer previously purchased from the board, to the board as per procedure in WAC 314-70-040.

(2) The governmental agency may sell opened containers of liquor back to the ~~((Class H))~~ spirit, beer and wine restaurant licensee from whom seized, if the licensee is going out of business, for the personal use of the licensee at a negotiated price after payment by the licensee to the board of an amount to be determined by the board in lieu of the ~~((Class H))~~ spirit, beer and wine restaurant discount and tax exemption in effect at that time: *Provided,* That if the licensee has not so purchased the opened bottles of liquor within the period of redemption, they shall be destroyed.

(3) The governmental agency may sell unopened beer and/or wine to the ~~((wholesaler))~~ distributor selling the same as per procedure in WAC 314-24-210 and 314-20-070 at a negotiated price. Copies of inventory and bill of sale shall be furnished the board.

(4) The governmental agency may sell unopened salable wine and/or beer to appropriately licensed retailers at a negotiated price. Beer purchased under this subsection shall meet the quality standards set forth by its manufacturer. Copies of the inventory and bill of sale shall be furnished the board.

(5) The governmental agency may ship the liquor out of the state of Washington.

AMENDATORY SECTION (Amending WSR 96-03-004, filed 1/4/96, effective 2/4/96)

WAC 314-70-030 Purchases by ~~((Class H))~~ spirit, beer and wine restaurant licensee of certain liquor stocks. Notwithstanding any other provision of Title 66 RCW or Title 314 WAC, a ~~((Class H))~~ spirit, beer and wine restaurant licensee in conjunction with the purchase of a licensed busi-

ness may purchase, and place into its regular stock, salable liquor as provided in WAC 314-70-010. Such liquor shall be treated for purposes of Title 66 RCW and Title 314 WAC as if it had been purchased from the board pursuant to RCW 66.24.440.

AMENDATORY SECTION (Amending Order 109, Resolution No. 118, filed 8/9/82)

WAC 314-70-040 Procedures for board purchase of liquor from governmental agencies. The board may purchase from governmental agencies lawfully seized salable unopened liquor. Such purchases are subject to the following conditions:

(1) The governmental agency shall provide the board with a listing of the liquor and shall make the liquor available for examination and review.

(2) The board will issue a purchase order for the liquor.

(3) When the governmental agency is from within the state of Washington and the liquor was originally purchased from the board, the board will pay the total amount listed in the official board price list then in effect, less the ~~((Class H))~~ discount and tax exemption expressed as a percent of the total price and the percent of total expenses assigned to the merchandise division to gross sales as reported on the profit and loss statement in the last published annual report of the board. Combined percentages will be rounded up to a whole percent.

(4) When the governmental agency is a federal agency, or when the governmental agency is from within the state of Washington but the liquor was not originally purchased from the board, or the liquor is no longer handled by the board, the board will pay a negotiated amount not to exceed ninety percent of the original approximate cost price from the distillery or manufacturer including federal tax and duty.

(5) After receipt of the board purchase order, the governmental agency who is selling the liquor will invoice the board as per the prices listed on the purchase order.

AMENDATORY SECTION (Amending Order 55, filed 5/31/77)

WAC 314-20-005 Application procedure—Beer ~~((wholesaler's))~~ distributor's or importer's license. Any person making application for a new beer ~~((wholesaler's))~~ distributor's or importer's license shall submit to the board, as a condition precedent to the board considering the application, such information as may be requested by the board and shall additionally submit a written commitment from a manufacturer or importer that the product the applicant proposes to distribute is available to him should a license be issued.

The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. The submission of the above information and written commitment shall not be construed as creating a vested right in the applicant to have a license issued.

AMENDATORY SECTION (Amending Order 138, Resolution No. 147, filed 4/11/84)

WAC 314-20-010 Brewers—Importers—~~((Wholesalers))~~ Distributors—Monthly reports—Tax refund procedures. (1) The holders of licenses to manufacture malt liquors within the state of Washington and holders of certificates of approval and importers who import malt liquors manufactured outside the United States must at all times when said licenses or certificates of approval are in force have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board, which bond shall be payable to the Washington state liquor control board and conditioned that such licensee or holder of certificate of approval will pay to the board the tax levied by virtue of RCW 66.24.290 (section 24 of the Washington State Liquor Act).

(2) Every person, firm or corporation holding a license to manufacture malt liquors within the state of Washington shall, in addition to the statement required to be made by RCW 66.24.280 (section 23F(1) of the Washington State Liquor Act), on or before the twentieth day of each month make a report to the board upon forms furnished by the board, of all sales of beer in and out of the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon including beer furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

(3) Every person, firm or corporation holding a license to import beer into the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the twentieth day of each month of all beer imported into the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon: *Provided, however,* That said tax shall be paid on behalf of the importer of such beer by the holders of certificates of approval at the time that said holders of certificates of approval furnish to the board the report required under RCW 66.24.270 and WAC 314-20-170: *Provided further,* That the report method of payment of tax shall be exclusive of any other method. In the event beer has been imported into the state of Washington upon which the tax has not been paid, or payment arranged as herein provided, the beer importer shall pay the tax due thereon including beer received and/or furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

(4) Failure to make such report or pay said tax at the time prescribed will be sufficient ground for the board to forthwith suspend or cancel the license privilege of the delinquent brewer or importer or the certificate of approval of the brewer located outside the state of Washington. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of sale. In addition, in case of any such delinquency, the board shall immediately give notice to the surety on such brewer's, importer's or certificate of approval holder's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

PERMANENT

(5) In consideration of the foregoing requirements, revenue stamps evidencing payment of said tax shall not be used on any package containing beer manufactured by brewers within the state or imported into the state by a beer importer, nor shall it be required that "in transit" stamps be affixed to packages containing any beer manufactured in the state of Washington when the same is exported directly to a point outside the geographical confines of the state by such manufacturers. Neither shall it be required that "in transit" stamps be affixed to packages of beer being shipped in interstate commerce from one point outside this state, through this state, to another point outside the geographical confines of this state. In the case of beer manufactured by a brewer within the state or imported into the state of Washington by a beer importer and either sold to beer ~~((wholesalers))~~ distributors for export from the state or exported directly by the importer, such manufacturer or importer must either pay the tax on beer so sold or affix "in transit" stamps, if not previously affixed, to all packages containing such beer, as provided in WAC 314-20-040(1).

(6) Beer ~~((wholesalers))~~ distributors or beer importers who export beer to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.290 has been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, beer sold and delivered to interstate ~~((commercial))~~ common ~~((passenger))~~ carriers holding licenses pursuant to chapter 245, Laws of 1975 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. Such tax shall not be paid on beer being shipped in interstate commerce from a point outside this state directly through the state to another point outside the geographical confines of this state.

(7) The board may make other arrangements for reporting and payment of tax where an in-state licensee purchases beer from within and/or without the state of Washington primarily for export from the state. Such arrangements would be on an individual basis and would be for the purpose of simplifying the reporting and accounting requirements.

AMENDATORY SECTION (Amending WSR 93-11-028, filed 5/10/93, effective 6/10/93)

WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—~~((Class H))~~ Spirit, beer and wine restaurant operation. (1) A licensed brewer holding a proper retail license, pursuant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises: *Provided*, That beer so sold at retail shall be subject to the tax and penalty for late payment, if any, as imposed by RCW 66.24.290, and to reporting and bonding requirements as prescribed in RCW 66.28.010 and WAC 314-20-010.

(2) In selling beer at retail, as provided in subsection (1) of this regulation, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a ~~((Class H))~~ spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such ~~((Class H))~~ spirit, beer and wine restaurant licenses.

(5) A brewer may serve its own beer and beer not of its own production without charge on the brewery premises, as authorized by RCW 66.28.040. Such beer served without charge as provided herein is not subject to the tax imposed by RCW 66.24.290.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

(7) A brewery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the brewery premises that is not of its own production.

AMENDATORY SECTION (Amending WSR 92-03-109, filed 1/21/92, effective 2/21/92)

WAC 314-20-020 Beer labels—Certificate of label approval required—Labels to be submitted. (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with RCW 66.28.120. No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) A request for certificate of label approval must be submitted on a form prescribed by the board which is one copy of the federal certificate of label approval for such beer, issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(3) Any change in label or product which requires reissuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(4) No label shall be used that is misleading.

(5) Every producer, importer, or ~~((wholesaler))~~ distributor of beer shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to commercial standards.

(6) No label will be approved which is designed to be especially appealing to children or other persons under legal age to consume. Persons who appear to be under legal age to consume may be depicted on a label when, in the discretion of the board, the depiction is dignified and does not promote illegal consumption of liquor.

AMENDATORY SECTION (Amending WSR 93-10-070, filed 5/3/93, effective 6/3/93)

WAC 314-20-030 Packages—Classification. (1) No manufacturer, ((~~wholesaler~~)) distributor or importer shall sell beer for use in the state of Washington in any packages or containers differing in sizes and case quantities from the manufacturer's original packages.

(2) Net contents—Packaged beer. Net contents shall be stated in a clearly legible manner on the label in fluid ounces or as follows:

(a) If less than 1 pint, in fluid ounces, or fractions of a pint;

(b) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated;

(c) If more than 1 pint, but less than 1 quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces;

(d) If more than 1 quart, but less than 1 gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces;

(e) If more than 1 gallon, the net contents shall be stated in gallons and fractions thereof;

(f) The net contents need not be stated on any label if the net contents are displayed by having the same blown, branded, or burned in the container in letters or figures in such manner as to be plainly legible under ordinary circumstances and such statement is not obscured in any manner in whole or in part.

(3) Container size limitations—Barrels. Whole barrels (31 gallons), 1/2 barrels (15.5 gallons), 1/4 barrels (7.75 gallons), 1/6 barrels (5.16 gallons). Packaged beer—Maximum capacity for individual containers, 170 fluid ounces: *Provided, however,* That the board may, in its discretion, authorize other container and/or barrel size packages which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, United States Treasury Department: *Provided further,* That the board may, in its discretion, authorize a brewery with ((~~Class H~~)) spirit, beer and wine restaurant privileges to dispense beer directly from conditioning tanks/vessels to the ((~~Class H~~)) spirit, beer and wine restaurant area provided the taxes have been paid prior to dispensing.

(4) The net contents of individual containers shall be stated on the outside of any multicontainer package where the individual container label or bottle size is not visible to the consumer at the point of purchase.

(5) Gift packages. A beer importer or beer wholesaler may prepare and sell "gift packages" consisting of containers of beer differing in case quantities from the manufacturer's original case capacities provided the tax has been paid on the previously purchased beer in accordance with RCW 66.24.290 and provided written approval by the board has been obtained.

AMENDATORY SECTION (Amending Order 229, Resolution No. 238, filed 9/29/87)

WAC 314-20-050 Beer ((~~wholesalers~~)) distributors—Importers—Brewers—Records—Preservation. (1) Beer

((~~wholesalers~~)) distributors must keep beer accounts separate and independent from other accounts and maintain proper records in a form approved by the board, showing all transactions in beer, and must in case of beer exported or beer sold, transferred or shipped to another ((~~wholesaler~~)) distributor, preserve all bills of lading or other evidence of shipment for a period of two years after such exportation, and must in the case of sales to retailers preserve all sales slips and keep the same on file in the office of the wholesaler for at least two years after each sale.

(2) Each brewery, beer ((~~wholesaler~~)) distributor, and beer importer may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor control board and must include the following information:

(a) Records proposed to be reproduced.

(b) Reproduction process.

(c) Manner of preserving the reproduction.

(d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing, and reproduction of such records the same as if they were the original records.

(3) If the brewery, beer ((~~wholesaler~~)) distributor, or beer importer keeps records within an automated data processing (ADP) system, the system must include a method for producing legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

(a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(4) The provisions contained in subsections (2) and (3) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

AMENDATORY SECTION (Amending Rule 45, filed 6/13/63)

WAC 314-20-060 Beer ((~~wholesalers~~)) distributors and importers—Reports—Stamps. All beer ((~~wholesalers~~)) distributors and beer importers who during any month have received, handled or had on hand at the end of such month any beer imported into the state of Washington by them with beer "in transit" stamps only affixed to the package or container upon which the tax has not been paid, shall, on or

before the tenth day of the succeeding month, furnish to the board a report, upon forms prescribed or furnished by the board, showing the disposition of all tax free beer, and if exported from the state, the name and address of the person to whom exported. Such report shall also show the number, brand or trade name, type and size of all packages and containers, respectively.

AMENDATORY SECTION (Amending WSR 93-10-092, filed 5/4/93, effective 6/4/93)

WAC 314-20-070 Claims for defective keg beer—Replacement of overaged packaged beer—Procedures.

(1) In the case of beer in barrels, beer which is not in salable condition due to defective beer or a defective container may be returned by the retailer to the beer ((~~wholesaler~~)) distributor for a claim adjustment. The brewer or supplier may make a credit adjustment to the ((~~wholesaler~~)) distributor for such claim;

(2) No claim adjustment shall be accepted unless the same shall be made by the retailer within ten days after the defect in the beer or container has been discovered;

(3) All documentary evidence relating to the claim shall be preserved by the retailer, beer ((~~wholesaler~~)) distributor, brewer, or beer importer for two years after the date of the claim;

(4) No brewer, beer ((~~wholesaler~~)) distributor, or beer importer shall allow, or shall any retailer make claim for adjustment for defective keg beer unless the container or the beer is in fact defective;

(5) In the case of package beer, other than beer in barrels, beer which is not in a salable condition or overaged may be returned by a retail licensee to the beer ((~~wholesaler~~)) distributor from whom the beer was purchased, provided it is immediately replaced by the beer ((~~wholesaler~~)) distributor with an identical quantity, type and brand of beer: *Provided further*, That if the brand of beer is not presently in the beer ((~~wholesaler's~~)) distributor's stock and is not available to the ((~~wholesaler~~)) distributor in the immediate future, a cash refund may be made to the retail licensee;

(6) Beer different from that ordered which has been delivered in error to a retail licensee may be returned to a beer ((~~wholesaler~~)) distributor and either replaced with that beer which was ordered or a cash refund may be made: *Provided*, That the error in delivery shall be discovered and corrected within eight days of the date the delivery was made;

(7) ((~~Wholesalers~~)) Distributors who replace unsalable or overaged packaged beer as provided in subsection (5) of this section, shall maintain complete records of all such transactions, with such records to be readily available for inspection by authorized employees of the board;

(8) Salable or unsalable beer may be returned by a retail licensee or by a governmental agency who has seized the same to the beer ((~~wholesaler~~)) distributor selling such beer in the event the retailer goes out of the business of selling beer at retail, and in such case a cash refund may be made upon return of the beer, provided that consent of the board is first had and obtained;

(9) Except as provided herein, no other adjustment, by way of cash refund or otherwise, shall be made by the beer ((~~wholesaler~~)) distributor, brewer or beer importer.

AMENDATORY SECTION (Amending Rule 47, filed 6/13/63)

WAC 314-20-080 Sales to vessels. (1) Tax paid beer may be sold direct by beer ((~~wholesalers~~)) distributors to:

(a) Vessels engaged in foreign commerce and operating on regular schedules.

(b) Vessels engaged in interstate commerce and operating on regular schedules.

(c) Vessels commonly known as "tramps," engaged in interstate and/or foreign commerce but not operating on regular schedules and taking cargo when and where it offers and to any port.

(2) Beer may not be sold direct by beer ((~~wholesalers~~)) distributors to any other class of boat or vessel unless the boat or vessel is in possession of a proper retail license.

AMENDATORY SECTION (Amending Order 270, Resolution No. 279, filed 11/22/88)

WAC 314-20-090 Cash sales. No beer ((~~wholesaler~~)) distributor nor brewer or beer importer holding a beer ((~~wholesaler's~~)) distributor's license shall sell or deliver beer to any retailer except for cash paid at the time of the delivery thereof: *Provided*, That cash may be paid prior to the delivery of beer sold to any retailer. Failure by licensees to keep accurate accounting records which result in the extension of credit, in violation of RCW 66.28.010 through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

AMENDATORY SECTION (Amending Order 173, Resolution No. 182, filed 8/5/86)

WAC 314-20-100 Beer ((~~wholesale~~)) distributor price posting. (1) Every beer ((~~wholesaler~~)) distributor shall file with the board at its office in Olympia a price posting showing the ((~~wholesale~~)) distributor prices at which any and all brands of beer sold by such beer ((~~wholesaler~~)) distributor shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: *Provided*, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or

received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of the month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a beer (~~((wholesaler))~~) distributor determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a beer (~~((wholesaler))~~) distributor elects to file postings listing selected items on which prices are temporarily reduced for one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer (~~((wholesaler))~~) distributor.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(6) No beer (~~((wholesaler))~~) distributor shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer (~~((wholesaler))~~) distributor and then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the (~~((wholesaler))~~) distributor who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(9) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer (~~((wholesaler))~~) distributor and a beer (~~((wholesaler))~~) distributor, on file in accordance with WAC 314-20-105, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer (~~((wholesaler))~~) distributor in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer (~~((wholesaler))~~) distributor, may put such filings into effect immediately: *Provided*, That prices and other con-

ditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105.

(10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(12) Any beer (~~((wholesaler))~~) distributor or employee authorized by his (~~((wholesaler))~~) distributor-employer may sell beer at the (~~((wholesaler's))~~) distributor's posted prices to any (~~((Class A, B, D, E, H, or G))~~) authorized retail licensee upon presentation to such (~~((wholesaler))~~) distributor or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class (~~((A, B, D, E, H, or G))~~) authorized retail licensee upon purchasing any beer from a (~~((wholesaler))~~) distributor, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such (~~((wholesaler))~~) distributor or his authorized employee either to such retailer's licensed premises or directly to such retailer at the (~~((wholesaler's))~~) distributor's licensed premises: *Provided, however*, That a (~~((wholesaler's))~~) distributor's prices to retail licensees shall be the same at both such places of delivery.

(13) When a new beer (~~((wholesaler's))~~) distributor's license is issued by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105.

AMENDATORY SECTION (Amending Order 207, Resolution No. 216, filed 12/9/86)

WAC 314-20-105 Beer suppliers' price filings, contracts and memoranda. (1) Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer (~~((wholesaler))~~) distributor, which contracts or memoranda shall contain a schedule

of prices charged to (~~wholesalers~~) distributors for all items, all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances and incentive programs; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised contracts or memoranda shall forthwith be filed with the board as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of beer offered for sale by such licensed brewer; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the following month: *Provided*, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

(a) When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it, or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(b) Exceptions for changes in (~~wholesalers~~) distributors and newly licensed (~~wholesalers~~) distributors are set forth in WAC 314-20-100 (9) and (13).

(3) Filing date exception—Whenever the twenty-fifth day of the month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) In the event that a brewer determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved; as provided herein.

Provision for filing of temporary price reductions—In the event a licensed brewer elects to file postings listing selected items on which prices are temporarily reduced for a period of one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Prices filed by a licensed brewer shall be uniform prices to all (~~wholesalers~~) distributors on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below acquisition cost plus ten percent of acquisition cost: *Provided*, That acquisition cost plus ten percent of acquisition cost shall not apply to sales of beer between a beer importer who sells beer to another beer importer or to a beer (~~wholesaler~~) distributor, or to a beer (~~wholesaler~~) distributor who sells beer to another beer (~~wholesaler~~) distributor.

(6) No licensed brewer shall sell or offer to sell any beer to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(7) No licensed brewer shall sell or offer to sell any package or container of beer to any (~~wholesaler~~) distributor at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer and then in effect.

(8) The provisions set forth in the foregoing subsections of this regulation shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by every certificate of approval holder who sells beer to a beer importer, every beer importer who sells beer to another beer importer or to a beer (~~wholesaler~~) distributor, and every beer (~~wholesaler~~) distributor who sells beer to another beer (~~wholesaler~~) distributor: *Provided*, That the provisions of this subsection shall not apply, and filings will not be required in the instance of beer (~~wholesalers~~) distributors making accommodation sales to other beer (~~wholesalers~~) distributors when such sales are made at a selling price not to exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the (~~wholesaler~~) distributor purchasing the beer is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(9) Holders of certificates of approval may ship beer into this state when the beer has been sold and consigned to the holder of a beer importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another beer importer, and the board so notified immediately.

(10) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any such price filing, contract or memorandum the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected, the last effective price filing, contract or memorandum shall remain in effect until such

time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(11) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending WSR 96-03-004, filed 1/4/96, effective 2/4/96)

WAC 314-12-025 Applicants for temporary licenses—Fee—Who qualifies. A person who has submitted application for a retail or ((~~wholesale~~)) distributor liquor license in accordance with RCW 66.24.010 and WAC 314-12-070, and who has demonstrated to the satisfaction of the board that an emergency situation exists, or who submits all initially required documents which appear to be complete and signed, may apply for, and be issued, a temporary license to be effective immediately upon issuance under the following conditions:

(1) A fee of fifty dollars shall be submitted with the application for a temporary license.

(2) For the purposes of this section "emergency situation" shall include death or incapacity of the seller, foreclosure, divorce, or other situation which requires the buyer to assume control of the business before the application can be fully processed and approved.

(3) For the purposes of this section, "retail liquor license" shall include all classes of liquor licenses that allow the holder to sell liquor directly to the public.

(4) For the purposes of this section, "((~~wholesale~~)) distributor liquor license" shall include all classes of liquor licenses held in conjunction with those ((~~wholesale~~)) distributor licenses authorized by RCW 66.24.200 and 66.24.250.

(5) The privilege of having a temporary license issued upon an application for license does not apply to breweries or wineries, even though these licensees have limited ((~~wholesale~~)) distributor and retail privileges under their manufacturers' licenses.

AMENDATORY SECTION (Amending Order 203, Resolution No. 212, filed 11/25/86)

WAC 314-12-130 No liquor deliveries on Sunday—Exceptions. No liquor shall be delivered to any retail licensee between midnight on Saturday and midnight on Sunday; nor shall any retail licensee receive or accept delivery of any liquor between midnight on Saturday and midnight on Sunday: *Provided*, That if delivery of beer and/or wine cannot be accomplished prior to Sunday, nothing in this section shall prohibit a ((~~wholesaler~~)) distributor from delivering and a ((~~Class G, J,~~)) special occasion or ((~~retail liquor~~)) catering licensee from receiving beer and/or wine for a licensed special occasion event occurring between midnight on Saturday and midnight on Sunday. Upon license approval, beer and/or wine may be ordered by a ((~~Class G, J,~~)) special occasion licensee or ((~~retail liquor~~)) catering licensee and delivered by the ((~~wholesaler~~)) distributor to the location specified by the ((~~Class G, J,~~)) special occasion licensee or ((~~retail liquor~~)) catering licensee or

directly to such licensed retailer at the ((~~wholesaler's~~)) distributor's licensed premises.

AMENDATORY SECTION (Amending WSR 90-14-003, filed 6/22/90, effective 7/23/90)

WAC 314-12-135 Business entertainment—Records. All manufacturers, importers and ((~~wholesalers~~)) distributors and employees thereof who provide either food, beverages, transportation, tickets or admission fees for or at athletic events or for other forms of entertainment to retail licensees and or their employees must maintain records thereof as follows:

(1) The originals or copies of all purchase invoices, receipts and other memoranda covering or relating to all expenditures made for entertainment activities as specified in this subsection showing:

(a) Tickets, transportation, food, beverage, admission fees purchased or paid for,

(b) Quantities purchased or paid for,

(c) From whom purchased,

(d) The name of the retail licensees or employee for whom purchased and the retail license number of the business they represent, and

(e) The purchase date.

(2) The records described above shall be kept for at least two years after each purchase or payment and shall be filed separately and kept apart from all other records and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying.

(3) All cancelled checks, bank statements and books of account covering or involving the purchase of or expenditures for items specified in subsection (1) above and all memoranda, if any, showing payment for any such items other than by check, shall be preserved for two years and shall at all times be kept available for inspection and copying by board employees.

AMENDATORY SECTION (Amending WSR 95-17-005, filed 8/3/95, effective 9/3/95)

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, ((~~wholesaler~~)) distributor, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall

PERMANENT

any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, ((~~wholesaler~~)) distributor or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, ((~~wholesaler~~)) distributor, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, ((~~wholesaler~~)) distributor or importer; Provided, however, manufacturers, ((~~wholesalers~~)) distributors, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or ((~~wholesaler~~)) distributor on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, ((~~wholesalers~~)) distributors or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Provide sales analysis of beer and wine products based on statistical sales data voluntarily provided by the retailer involved for the purpose of proposing a schematic display for beer and wine products. Any statistical sales data provided by retailers for this purpose shall be at no charge.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, ((~~wholesaler~~)) distributor, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, ((~~wholesaler~~)) distributor or importer any equipment, fixtures, supplies or property of any kind. Sales autho-

ized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or ((~~wholesaler~~)) distributor or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, ((~~wholesaler~~)) distributor or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be not less than the manufacturer's, importer's, or ((~~wholesaler's~~)) distributor's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, ((~~wholesaler~~)) distributor or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and ((~~wholesalers~~)) distributors solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

AMENDATORY SECTION (Amending WSR 91-19-071, filed 9/16/91, effective 10/17/91)

WAC 314-12-141 Courses of instruction. Breweries, wineries and ((~~wholesalers~~)) distributors conducting courses of instruction as authorized by RCW 66.28.150 may provide

alcohol at no charge to licensees of the board, their employees, and invited guests who have a legitimate business interest in the manufacturing, importing, (~~wholesaling~~) distributing and retailing of liquor.

AMENDATORY SECTION (Amending Order 249, Resolution No. 258, filed 5/4/88)

WAC 314-12-145 Credit on nonliquor food items—Conditions—Recordkeeping. (1) Notwithstanding the provisions of WAC 314-12-140, persons licensed under RCW 66.24.200 as wine (~~wholesalers~~) distributors and persons licensed under RCW 66.24.250 as beer (~~wholesalers~~) distributors may sell at wholesale nonliquor food products on thirty days credit terms to persons licensed as retailers under this title. Complete and separate accounting records shall be maintained on all sales of nonliquor food products to ensure that such persons are in compliance with RCW 66.28.010.

(2) Nonliquor food products include all food products for human consumption as defined in RCW 82.08.0293 as it exists on July 1, 1987, except that for the purposes of this section bottled water and carbonated beverages, whether liquid or frozen, shall be considered food products.

(3) For the purpose of this section, the period of credit is calculated as the time elapsing between the date of delivery of the product and the date of full legal discharge of the retailer, through the payment of cash or its equivalent, from all indebtedness arising from the transaction.

(4) If the board finds in any instance that any licensee has violated this section by extending or receiving credit in excess of the thirty days as provided for by this section, then all licensees involved shall be held equally responsible for such violation.

AMENDATORY SECTION (Amending Order 268, Resolution No. 277, filed 10/25/88)

WAC 314-18-030 Applicants—Retail liquor licensees ineligible—Exceptions. (1) Any person twenty-one years of age or older, either for himself/herself or in a representative capacity on behalf of a society, organization, or business entity, may apply for a banquet permit which authorizes the service and consumption of liquor at a specific place upon a specific date.

(2) Retail liquor licensees are NOT eligible to apply for banquet permits for events to be held at, in, or upon such licensee's premises: *Provided, however,* That the licensee's ineligibility will not apply:

(a) When the application is by an established organization of members or auxiliary within a licensed club;

(b) Where grand openings, or special openings following new construction or substantial alterations, or when conventions are to be held on the licensed premises;

(c) Where special occasions such as employee Christmas parties, business anniversaries, etc. are held on the licensed premises;

(d) For functions held at locations other than the licensed premises.

(3) Banquet permits may be issued to qualified applicants for private functions on a chartered bus, chartered boat, chartered plane, or a chartered passenger car on a train.

(4) A banquet permit is not required for:

(a) Spirit, beer (~~and~~) and wine sampling conducted in accordance with RCW 66.28.040 as implemented by chapter 314-64 WAC.

(b) Beer or wine provided by a brewery, winery, or (~~wholesaler~~) distributor as part of a course of instruction for liquor licensees and/or their employees pursuant to RCW 66.28.150.

(5) The board interprets and will apply the relevant portions of the Liquor Act (RCW 66.20.010, 66.04.010(23), 66.04.010(26), 66.24.480, 66.24.481, and 66.44.100), reading them in pari materia, as not requiring a banquet permit to be obtained by an individual for a function when that individual is not acting with a business purpose or on behalf of an organization or business entity, where each of the following conditions are met:

(a) The function to be held by the individual is of a personal, noncommercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in his or her home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.

(b) The function is hosted by the individual personally. That is, there is no charge in any manner whatsoever for attendance, whether by admission charge, donation, dues, fees, or otherwise, and there is no charge in any manner whatsoever for anything provided at the function (i.e., mixer, setups, ice, food, hors d'oeuvres, etc.).

(c) That there is no business purpose for the function and that no pecuniary gain is intended or realized by the individual from the holding of the function.

(d) That those persons attending the function are the personal invitees of the individual holding it.

AMENDATORY SECTION (Amending Order 183, Resolution No. 192, filed 4/22/86)

WAC 314-18-040 Issuance fee—Restrictions. (1) Banquet permits may be issued by the board's stores and agencies to qualified applicants on forms provided by the board; the fee for each banquet permit will be ten dollars.

(2) Except for outdoor areas, banquet permits will only be issued for use at premises that are or can be arranged so that the general public can be excluded therefrom.

(3) Where the application is for a banquet to be held either partially or wholly out-of-doors, the following restrictions will apply:

(a) State parks: State parks are exempt from the law requiring a license or permit to consume liquor in a public place (RCW 66.04.011). Banquet permits shall not be issued for the service and consumption of liquor in state parks.

(b) City and county parks: Applicants will be issued banquet permits only upon presentation of written approval from the appropriate local authority for the banquet applied for.

(c) Commercial parks (privately owned and operated): Store and agency managers may issue banquet permits for use in such commercial parks even though the event is to be held partly or wholly out-of-doors.

(d) All other outdoor areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

(4) Where the application is for a banquet permit for an event to be held on a college or university campus or upon the premises of an elementary or high school, public or private; permits will be issued provided that approval, in writing, by an appropriate official of the college, university, elementary, or high school is furnished with the application.

(5) When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or his/her designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.

(6) Banquet permits will not be issued for use at premises that have a license issued by the board that is or will be suspended on the date of the scheduled banquet.

(7) The event for which the banquet permit application is made cannot be open to the public through general admission ticket sales.

(8) The event for which the banquet permit application is made cannot be open to the public or advertised to the public.

(9) Approval of the area enforcement officer is required for banquet permits intended for use in the cocktail lounge facilities or tap rooms of (~~Class A, C, D, or H licensed premises, including~~) hotels, restaurants, and clubs, unless the entire premises under the control of the licensee is devoted to the banquet, and then only if all licensee liquor is removed from view and securely isolated.

(10) Where the application is for a banquet permit for an event to be held on a vessel under the jurisdiction of the Washington state ferry system; permits will be issued provided that approval, in writing, by an appropriate official of the Washington state ferry system is furnished with the application.

AMENDATORY SECTION (Amending WSR 92-01-080, filed 12/16/91, effective 1/16/92)

WAC 314-18-060 Liquor to be served and consumed—Restrictions. (1) (~~Class H~~) Spirit, beer and wine restaurant discount liquor cannot be sold, served, or consumed under or by authority of a banquet permit. Liquor to be served will be purchased from an authorized retail source only.

(2) Licensees and/or commercial caterers shall not pay for or advance the moneys to purchase the liquor for the event for which the banquet permit application has been made, but they may transport the prepaid liquor purchased by the applicant to whom the banquet permit was issued.

(3) No banquet permittee may buy or accept delivery of liquor from any manufacturer, brewer, (~~wholesaler~~) distributor, distiller, winery, importer, or agent thereof.

(4) It is not necessary for a banquet permit applicant to purchase liquor at the time the permit is issued, and individuals attending a banquet function may bring their own liquor.

AMENDATORY SECTION (Amending WSR 93-23-015, filed 11/5/93, effective 12/6/93)

WAC 314-15-010 (~~Class M~~) Motel—Definition—General provisions—Fee. (1) Pursuant to the provisions of chapter 511, Laws of 1993, there shall be a license designated as a (~~Class M~~) motel license which will allow a motel with 3 or more rooms to sell(~~s~~) spirits, beer and wine by the bottle to registered guests who are at least twenty-one years of age. The annual fee for such license shall be three hundred dollars per year. Such license will be issued only to those motel establishments that do not have a licensed restaurant included as part of the motel property.

(2) "Motel" means a facility or place offering three or more self contained units (rooms) designated by number, letter, or some other method of identification to travelers and transient guests.

(3) A (~~Class M~~) licensed motel may sell liquor in no more than one-half of its guest rooms under the following conditions:

(a) No rooms are offered to guests on less than daily rental basis,

(b) All liquor must be stored in locked honor bars in rooms with overnight sleeping accommodations,

(c) Each honor bar must also contain snack food,

(d) Any liquor sold is for consumption in the guest room only by persons of legal age,

(e) Spirits must be sold in individual bottles not to exceed fifty milliliters in size,

(f) Beer may be sold only in individual cans or bottles not to exceed twelve ounces in size,

(g) Wine may be sold only in individual bottles not to exceed one hundred eighty-seven milliliters in size.

(4) The (~~Class M~~) motel licensee must provide the board with a list of all rooms by number, letter or other form of identification which contain honor bars.

AMENDATORY SECTION (Amending WSR 93-23-015, filed 11/5/93, effective 12/6/93)

WAC 314-15-020 Purchase of liquor(~~Class M~~).

(1) All liquor sold by a (~~Class M~~) motel licensee must be purchased from an authorized source. All spirits must be purchased from the board. Beer and wine must be purchased from a licensed beer or wine (~~wholesaler~~) distributor or the board.

(2) No (~~Class M~~) licensee shall buy or accept delivery of beer or wine from a beer or wine (~~wholesaler~~) distributor except for cash paid at the time of the delivery thereof; *Provided*, That a (~~Class M~~) licensee may pay cash prior to delivery of the beer or wine purchased. Failure by the licensee to keep accurate accounting records which result in the extension of or receipt of credit from a (~~wholesaler~~) distributor through the use of a prior cash deposit which is overextended is a violation.

AMENDATORY SECTION (Amending WSR 93-23-015, filed 11/5/93, effective 12/6/93)

WAC 314-15-030 Sale of liquor—((Class M)) Motel.

(1) Before a guest may be provided access to the honor bar the licensee will require proof of age from the guest requesting the use of the honor bar pursuant to RCW 66.16.040. The guest must complete a declaration, under penalty of perjury, verifying that:

- (a) The guest is twenty-one years of age or older,
- (b) No one under twenty-one years of age will have access to the liquor in the honor bar.

(2) For the purposes of chapter 511, Laws of 1993, section 1 the declaration referred to in section 1 above shall be considered an affidavit.

(3) Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee shall require the guest to complete a certification card as provided in RCW 66.20.190.

AMENDATORY SECTION (Amending WSR 93-23-015, filed 11/5/93, effective 12/6/93)

WAC 314-15-040 Security and storage of liquor—

Definition of honor bar—((Class M)) Motel. (1) All liquor stored in a ((Class M)) motel licensed premises shall be either locked in an honor bar or locked in a secured liquor storage room. No person under twenty-one years of age shall have access to the honor bar(s), liquor storage room, or keys, combinations, etc. to the locked liquor facilities.

(2) An "honor bar" for the purposes of a ((Class M)) licensed motel is considered to be any cabinet, box, cooler or refrigerator which can be opened only with a key, combination, magnetic card or other device particular to that cabinet and which is secured within a guest room.

(3) Replenishment of a liquor honor bar or storage room may be made only during those hours when liquor may legally be sold, and only by employees of the ((Class M)) licensed motel who are twenty-one years of age or older; *Provided, However,* beer and wine wholesalers may deliver, price and stock product only in the storage room.

AMENDATORY SECTION (Amending WSR 93-23-015, filed 11/5/93, effective 12/6/93)

WAC 314-15-050 Records—((Class M)) Motel. (1)

Each ((Class M)) motel licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business. Failure to keep and maintain adequate records as described in this section is a violation.

(2) Every ((Class M)) licensed motel will keep originals or copies of all purchase invoices and other memoranda covering all purchases and sales of liquor showing (a) items purchased and sold, (b) quantities thereof, (c) from whom purchased and (d) purchase and sale date. These records shall be filed separately and kept apart from all other records and, as nearly as possible, shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying.

(3) All records will be available for inspection and copying by representatives of the board for a period of two years.

(4) A ((Class M)) motel licensee may maintain records within an automatic data processing system provided the system includes a method for producing legible records that will provide the same information required of that type of records required in section (2) above.

(5) All records maintained, either manually or with a data processing system must provide:

(a) An audit trail so that details underlying the summary accounting data may be identified and made available upon request.

(b) The opportunity to trace any transaction back to the original source or forward to a final total. If printouts are not made when a transaction is processed, the system must have the ability to reconstruct these transactions.

AMENDATORY SECTION (Amending WSR 93-10-070, filed 5/3/93, effective 6/3/93)

WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices. (1) No retail licensee shall draw any beer from any faucet, spigot or other dispensing apparatus unless the brand name of the beer drawn shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus. Brewers and beer ((wholesalers)) distributors may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer ((wholesaler)) distributor. Brewers and beer ((wholesalers)) distributors may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer ((wholesaler)) distributor.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on the licensed premises shall be truly labeled with the brand name, type and manufacturer's name of said wine. Wineries and wine ((wholesalers)) distributors may furnish said labels and "tap marking devices" or container marking devices and corkscrews to retail dispensers as hereinabove provided at a nominal value or cost to the winery or wine ((wholesaler)) distributor.

AMENDATORY SECTION (Amending Order 182, Resolution No. 191, filed 4/22/86)

WAC 314-16-025 "Minor prohibited" posting required in classified premises. (1) Licensees of licensed premises classified by the board pursuant to RCW 66.44.310(2) shall post a notice in a conspicuous location at each entryway to each such classified tavern or cocktail lounge informing persons under twenty-one years of age that they are not permitted to enter or remain on such classified premises.

(2) The board will provide the notices required by subsection (1) of this section to licensees without charge: *Provided, however,* That licensees may design and post their own notices. Licensees choosing to do so must ensure that the notices are legible and that they contain, at a minimum, the following language:

(a) For a premises classified as a tavern: "Persons under twenty-one years of age not permitted on these premises."

(b) For a premises classified as the cocktail lounge portion of a (~~Class H licensed~~) spirits, beer and wine restaurant premises: "Persons under twenty-one years of age not permitted in this area."

AMENDATORY SECTION (Amending Order 261, Resolution No. 270, filed 11/22/88)

WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit; however, a restaurant licensee (~~holding a Class C or H license~~) may, with or without a corkage fee, allow patrons to bring wine into the premises for consumption with a meal.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recorked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW (~~66.24.340~~) 66.24.320 and 66.24.400.

(4) No holder of a (~~Class H~~) spirits, beer and wine restaurant license shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a (~~Class H~~) spirits, beer and wine restaurant license, all other classes of retail licenses which may be held by such new (~~Class H~~) spirits, beer and wine restaurant licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.

(5) When a hotel and restaurant are located in the same building or in adjoining buildings and owned by the same person or entity, room service may be provided to the hotel patrons. When the restaurant and hotel are under separate ownership, room service is authorized only when a limited lease or agreement for that purpose has been submitted to and approved by the board.

(6) No licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. A (~~Class H~~) spirits, beer and wine restaurant licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

(7) No holder of a (~~Class C~~) beer and/or wine restaurant license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Sin-

gapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a (~~Class C~~) beer and/or wine restaurant license may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

AMENDATORY SECTION (Amending WSR 94-08-031, filed 3/30/94, effective 4/30/94)

WAC 314-16-050 Hours of operation. (1) No retail licensee, or employee thereof, shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the removal of any liquor from the licensed premises in any manner, whatever, nor shall (~~a class A, B, C, D or H~~) any retail on-premise licensee permit the physical possession of any liquor, between the hours of 2:00 a.m. and 6:00 a.m., however, persons working on the (~~class A, B, C, D or H~~) premises may, while in the performance of their official duties possess liquor.

(2) Any municipality may fix later opening hours or earlier closing hours than those specified in this rule, however, such later opening hours or earlier closing hours shall apply to all licensed premises.

AMENDATORY SECTION (Amending Order 263, Resolution No. 272, filed 10/5/88)

WAC 314-16-070 Minors—Employment. No person under the age of 21 years shall be employed in any service in connection with the sale, handling or serving of any liquor, either on a paid or voluntary basis, in, on or about any licensed premises except as otherwise authorized by law. Employees 18 years of age or over of (~~Class A, C, D and/or H~~) on-premises retail licensees may take orders for, serve and sell liquor for consumption on premises as authorized by, and under the conditions provided in, chapter 66.44 RCW. Employees 18 years of age or over of (~~Class E and/or F~~) off-premises retail licensees exclusively, may sell, stock and handle beer and/or wine not to be consumed upon the premises as authorized by, and under the conditions provided in, RCW 66.44.340.

(1) All licensees shall have a person 21 years of age or over on duty supervising the sale, service and consumption of liquor at the licensed premises.

(2) Persons under 21 years of age may not serve liquor in any area of (~~Class A, C, D, or H~~) an on-premises retail licensed premises at any time such area is classified by the board as off-limits to persons under 21 years of age.

(3) Employees 18 years of age or older of (~~Class A, C, D, or H~~) an on-premises retail premises may enter cocktail lounges, bars, or other areas classified by the Washington state liquor control board as off-limits to persons under 21 years of age to perform work assignments, including picking up liquor for service in other parts of the licensed premises, performing clean-up work, setting up and arranging tables, delivering supplies, delivering messages, serving food, and

seating patrons. Such employees shall remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties.

(4) Persons under 21 years of age shall not be permitted to perform activities or functions of a bartender. For the purposes of this section, activities or functions of a bartender include, but are not limited to: Mixing drinks or cocktails; drawing beer or wine; pouring beer or wine anywhere on the premises except at the patrons table; supplying or providing to 18, 19, or 20 year old employees for delivery to the customer spirituous liquor by the glass, beer by the pitcher or glass; or wine by the carafe or glass.

AMENDATORY SECTION (Amending Order 277, Resolution No. 286, filed 3/27/89)

WAC 314-16-075 Musicians, disc jockeys, sound or lighting technicians, persons performing janitorial services, employees of amusement device companies, security officers, fire fighters and law enforcement officers employment. Pursuant to the provisions of RCW 66.44.316, professional musicians eighteen years of age and older are permitted to enter and to remain in liquor licensed establishments during and in the course of their employment as musicians. The following definitions and requirements shall be applicable.

(1) Definitions:

(a) The term "professional minor musician" shall be construed as a person between eighteen and twenty-one years of age who is employed to perform in his or her capacity as a musician at a retail liquor licensed establishment.

(b) The term "professional minor musician" shall include a person who plays a musical instrument and/or is a vocalist, professional disc jockeys, or professional sound or lighting technicians actively engaged in support of professional musicians or professional disc jockeys.

(c) To assure that the professional minor musician employed is engaged for that purpose, he or she shall be compensated at a rate not less than the minimum wage provided for by state law.

(2) Areas in licensed establishments where professional minor musicians may perform:

(a) Professional minor musicians during their performance shall, except as provided in (b) and (c) of this subsection, remain on the stage or bandstand of the licensed premises.

(b) The style of a "strolling musician" or a group of "strolling musicians" may be utilized in licensed establishments.

(c) Disc jockeys and sound and lighting technicians may enter and remain on the licensed premises, in such locations as required, during and in the course of their employment.

(3) Areas where professional minor musicians may remain when not performing:

(a) Prior to commencing a performance; at breaks or intermissions during the performance; and after concluding a performance, professional minor musicians shall be permitted only: On the stage or bandstand; in a private room or separate area on the premises in which no liquor is served; or in areas where minors are permitted under the licensee's minor

classification (for example, in the restaurant section of a ((Class H)) spirits, beer and wine restaurant licensed premises).

(b) Professional minor musicians are permitted to enter and remain on the licensed premises not more than one hour prior to the start of their performance, in order to set up their equipment and tune their musical instruments, and to remain not more than one hour after concluding their performance in order to properly secure their equipment.

(4) Licensees shall at all times provide adequate supervision in order to insure that there will be neither the sale of nor the supplying of any alcoholic beverages to professional minor musicians, and that professional minor musicians will not be permitted to consume alcoholic beverages at any place on the premises.

(5) Responsibilities of professional minor musician:

(a) Professional minor musicians shall at all times during the course of their employment on licensed retail premises have with them documents available for inspection which disclose their true age and date of birth.

(6) Practice sessions — "jam sessions":

(a) Practice sessions involving professional minor musicians shall not be permitted on licensed premises.

(b) "Jam sessions" involving professional minor musicians shall not be permitted on any licensed premises unless the participants are being paid for such "jam sessions" in accordance with subsection (1)(c) of this section.

(7) Persons eighteen years of age and older performing janitorial services may enter and remain on premises licensed under the provisions of Title 66 RCW during the hours when there is no sale, service, or consumption of liquor on the premises (or in the area being cleaned), but only during and in the course of their performance of janitorial services.

(8) Employees of amusement device companies or companies which are in the business of installing, maintaining, and repairing amusement devices, which employees are eighteen years of age or older, may enter and remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment for the purpose of installing, maintaining, repairing, or removing an amusement device. For the purposes of this section amusement device means coin-operated video games, pinball machines, juke boxes, or other similar devices.

(9) Security officers, fire fighters and law enforcement officers eighteen years and over are permitted to enter and remain on premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment or official duties and only if they are not the direct employees of the licensee. Provided, however, that security officers access to classified portions of liquor licensed premises is limited to only isolated incidents arising in the course of their duties.

AMENDATORY SECTION (Amending WSR 93-15-025, filed 7/12/93, effective 8/12/93)

WAC 314-16-090 Bottles and containers—Reuse. (1) No ((Class H)) spirits, beer and wine restaurant licensee shall reuse, refill or tamper with any bottle of spirituous liquor, nor shall such licensee adulterate, dilute, fortify, or cause any

substitution of any nature to be made in or to, the contents of any bottle of spirituous liquor.

(2) No retail licensee shall fill a jug, bottle or other container with beer while such jug, bottle or other container bears any identification or marking which would mislead the purchaser about the identity of the contents of the container.

(3) Every jug, bottle or other container a retail licensee fills for off-premise consumption must:

(a) Be capable of being sealed; and

(b) Be capable of holding a minimum of 750 ml (25.4 ounces) of liquid and may not hold more than 15 liters (or 4 gallons or 512 ounces) of any beer.

AMENDATORY SECTION (Amending Order 209, Resolution No. 218, filed 12/30/86)

WAC 314-16-110 Liquor purchases by ((Class-H)) spirits, beer and wine restaurant, club and sports/entertainment facility licensees. (1) Any employee authorized by the board may sell spirituous liquor at a discount of fifteen percent from the retail price fixed by the board, together with all taxes, to any ((Class-H)) spirits, beer and wine restaurant, club or sports/entertainment facility licensee upon presentation to such employee at the time of purchase of a special permit issued by the board to such licensee or through such other means of insuring identification of the authorized purchaser as are approved by the board: *Provided, however,* That prior to license delivery, a new licensee or transferee may, with board authorization, be sold ((Class-H)) discount liquor and beer and wine purchased under Title 66 RCW for the purpose of stocking the premises. The employee shall at the time of selling any spirituous liquor to a ((Class-H)) spirits, beer and wine restaurant, club or sports/entertainment facility licensee make a record of the liquor so sold, together with the name of the ((Class-H)) spirits, beer and wine restaurant, club or sports/entertainment facility licensee making the purchase. No sale of beer, wine, or spirituous liquor shall take place until the premises of the new licensee or transferee have been inspected by the board and the ((Class-H)) spirits, beer and wine restaurant, club or sports/entertainment facility license is delivered.

(2) Every ((Class-H)) spirits, beer and wine restaurant, club or sports/entertainment facility licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to his licensed premises, and he shall not thereafter remove or permit to be removed from said premises any bottle or other container containing such liquor, except pursuant to chapter 314-70 WAC or to return it to a state liquor store or agency, nor shall he dispose or allow to be disposed the liquor contained therein in any manner except as authorized by his license: *Provided, however,* That a delivery service business may pick up more than one ((Class-H)) liquor order on the same day so long as each of said orders are delivered in the normal course of business on the same day without detour or diversion, except for those stops and deliveries as may be necessary to make deliveries to the other ((Class-H)) licensees whose order is also on the particular delivery vehicle. The possession of any bottle or other container purchased from the board at a discount by any person other than the ((Class-H)) licensee or said licensee's

agents or employees who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be prima facie evidence that the ((Class-H)) licensee unlawfully permitted the removal thereof from his licensed premises: *Provided,* ((That a Class-H)) The licensee who permanently discontinues business, other than as a result of a legal distraint action, may remove open bottles of liquor from the premises for personal use upon payment to the board of an amount to be determined by the board in lieu of the ((Class-H)) discount and tax exemption in effect at that time.

(3) No ((Class-H)) licensee shall keep in or on the licensed premises any spirituous liquor which was not purchased from the board at a discount: *Provided,* That spirituous liquor not purchased at a discount from the board may be kept in or on the ((Class-H)) licensed premises under authority of a banquet permit issued pursuant to RCW 66.20.010(3) and chapter 314-18 WAC, but only during the specific date and time for which the banquet permit was issued: *Provided, further,* That notwithstanding any other provision of Title 314 WAC, a ((Class-H)) spirits, beer and wine licensee may display antique, unusual, or unique liquor bottles with or without liquor on the licensed premises if such bottles are used as part of the decor, and any such bottles containing liquor are locked securely in display cases, and are not for sale.

(4) No person, including anyone acting as the agent for another other than a ((Class-H)) spirits, beer and wine licensee shall keep or possess any bottle or other container containing spirituous liquor which was purchased from the board at a discount except as provided in subsection (2) of this section.

(5) All spirituous liquor in and on the licensed premises shall be made available at all times by every ((Class-H)) licensee for inspection by the board, and such licensee shall permit any authorized inspector of the board to make such tests or analyses, by spirit hydrometer or otherwise, as the inspector deems proper. Such inspectors are authorized to seize as evidence any bottles or other containers and the contents thereof which they have determined have been reused, refilled, tampered with, adulterated, diluted, fortified or substituted.

AMENDATORY SECTION (Amending Order 232, Resolution No. 241, filed 10/27/87)

WAC 314-16-115 ((Class-H hotels)) Hotels with spirits, beer and wine restaurants and ((Class-H)) spirits, beer and wine clubs with overnight sleeping accommodations—Sales by the bottle to registered guests—Conditions. (1) Pursuant to the provisions of RCW 66.24.400 as amended by chapter 196, Laws of 1987, ((Class-H licensed hotels)) spirits, beer and wine restaurant and clubs licensed under chapter 70.62 RCW with overnight sleeping accommodations may sell liquor by the bottle to registered guests of said ((hotel or club)) licensed premises who are twenty-one years of age or over provided:

(a) That before a guest may purchase such liquor it must be established that he or she is a guest of the hotel or club. This may be done by showing a room key bearing the room

number and name of the hotel or club, or by presenting a registration receipt from the hotel or club.

In either event the guest must acknowledge his/her registration by signature upon a form to be provided by the hotel or club for this purpose, and said form when completed shall be kept by the hotel or club for the same time period it is required to retain its registration information.

(b) Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

(c) That any bottle of liquor sold under this section must be removed unopened from the lounge area or other approved dispensing area. The contents of such bottle(s) may be consumed only in a guest, hospitality or banquet room of the hotel or club; however, guests may remove from the premises any unused portion of such liquor in its original container.

(d) That such sales of liquor by the bottle shall be from the lounge of the licensed premises, from an approved dispensing area or by room service provided by the licensee. If an approved dispensing area is used for this purpose, the access thereto must be limited to registered guests who intend to purchase liquor for use within a guest, hospitality or banquet room.

(2) (~~Class H licensed hotels~~) Spirits, beer and wine restaurant or clubs may sell within the individual guest room liquor by the bottle to registered guests age twenty-one years or over provided;

(a) That such liquor shall be secured in a liquor dispensing cabinet within the guest room. That liquor dispensing cabinets must remain locked whenever the room is rented to a guest under the age of twenty-one years.

(b) That access to individual guest room liquor dispensing cabinets shall be by key, magnetic card or similar device provided by the hotel or club to the adult registered guest.

(c) That liquor made available for sale within the guest room from a liquor dispensing cabinet shall be packaged in individual serving containers such as miniatures of distilled spirits, splits of wine and bottles or cans of malt beverages.

(d) That replenishment of such liquor dispensing cabinets may be made only during those hours when liquor may be sold by the (~~Class H~~) licensee, and only by employees eighteen years of age or over working under the supervision of an employee at least age twenty-one.

(3) (~~Class H~~) Licensed hotels or clubs may provide a dispensing area removed from the lounge for the purpose of sales to registered guests of legal age. Such area shall not be accessible to anyone other than registered guests and employees of the (~~Class H~~) licensee. Sales therefrom shall be made only by authorized employees of the licensee who are twenty-one years of age or over. The purchaser shall complete a form provided by the licensee which attests to the validity of the guest's registration at that hotel or club. Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee may require the guest to complete a certification card as provided in RCW 66.20.190.

AMENDATORY SECTION (Amending WSR 94-08-030, filed 3/30/94, effective 4/30/94)

WAC 314-16-150 No sale of liquor to minors, intoxicated persons, etc. (1) No retail licensee shall give or otherwise supply liquor to any person under the age of twenty-one years, either for his/her own use or for the use of his/her parent or of any other person; or to any person apparently under the influence of liquor; nor shall any licensee or employee thereof permit any person under the said age or in said condition to consume liquor on his/her premises, or on any premises adjacent thereto and under his/her control.

(2) No (~~class A, B, C, D, or H~~) retail licensee shall permit any person apparently under the influence of liquor to physically possess liquor on the licensed premises.

AMENDATORY SECTION (Amending Order 270, Resolution No. 279, filed 11/22/88)

WAC 314-16-160 Records—Purchases—Reports. (1) The originals or copies of all purchase invoices and other memoranda covering all purchases of liquor by retail licensees showing (a) items purchased, (b) quantities thereof, (c) from whom purchased, and (d) purchase date, shall be kept for at least two years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying. All canceled checks, bank statements and books of account covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for two years and shall be at all times kept available for inspection and copying.

(2) No retail licensee shall buy or accept delivery of liquor except for cash paid at the time of the delivery thereof: *Provided*, That a retail licensee may pay cash prior to delivery of liquor purchased. Failure by licensees to keep accurate accounting records which result in the extension of or receipt of credit from a manufacturer, importer, or (~~wholesaler~~) distributor through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

(3) A retail licensee shall purchase beer from a beer (~~wholesaler~~) distributor pursuant to RCW 66.28.070 and shall purchase wine from a state liquor store or agency or from a duly licensed (~~wholesaler~~) distributor except as provided in chapter 314-70 WAC. All beer purchased must be at the posted price in accordance with WAC 314-20-100 and all wine purchased must conform to the posted price as filed under WAC 314-24-190. No retail licensee may return wine to a wine (~~wholesaler~~) distributor except in accordance with the provisions of WAC 314-24-210, nor shall any retail licensee return beer to a beer (~~wholesaler~~) distributor except in accordance with the provisions of WAC 314-20-070.

(4) Prior to license delivery, a new beer and/or wine licensee or transferee may, with board authorization, be sold beer and/or wine for the purpose of stocking the premises. No retail sale of beer and/or wine shall take place until the appli-

cant premises have been inspected by the board and the liquor license is delivered.

(5) Each retail licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business.

(6) Any retail licensee may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing and reproduction of such records the same as if they were the original records.

(7) If a retail licensee keeps records within an automatic data processing (ADP) system, the system must include a method for producing from punchcards or from other machine-sensible data media legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

- (a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.
- (b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application and the controls used to ensure accurate and reliable processing.

(8) All ~~((Class H))~~ spirits, beer and wine licensees in addition to the requirements of subsection (1) of this section shall at all times:

(a) Maintain records of all purchases for the premises, including liquor, food and supplies. The purchases supported by supplier invoices or signed vouchers are to be segregated as to type and recorded.

(b) Maintain records of all sales in the premises from all sources including liquor, food and miscellaneous items and service. Individual sales are to be recorded on sales slips or cash register tape in such a manner to indicate the source of revenue and the records are to be filed for future audit purposes. Sales segregated as to source of revenue are to be recorded.

(c) Preserve for a period of two years the records described in subsections (6), (7), and (8)(a) and (b) of this section.

(d) Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board.

(e) Keep available for inspection and copying by the board and/or its accredited representatives all books and records relative to purchases, sales and inventories of liquor, food and supplies.

AMENDATORY SECTION (Amending WSR 95-16-008, filed 7/20/95, effective 8/20/95)

WAC 314-16-190 (~~Class H~~) Spirits, beer and wine restaurant—Qualifications. (1) Definitions: For the purpose of this section:

(a) Complete meals means any combination of foods consisting of an entree and at least one additional course that is prepared and cooked on the premises and, except as provided in subsection (5) of this section, requires the use of dining implements for consumption.

(b) Entree means the main course of a meal to include meat, fish, fowl, eggs, vegetarian meat substitutes, pasta, or any combination thereof. Except as provided in subsection (5) of this section, such entree must be heated by means of baking, roasting, broiling, or grilling.

(c) Minimum food service means sandwiches and/or short orders such as deep fried foods, hors d'oeuvres, soup, or chili. Snacks such as peanuts, popcorn, and chips are not sufficient to meet the minimum food service requirement.

(2) All restaurant applicants for a (~~Class H~~) spirits, beer and wine license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(3) A restaurant applicant for a (~~Class H~~) spirits, beer and wine license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value. The kitchen equipment shall include, at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler to support the menu.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in (a) of this subsection is in place and is operational.

(4) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for

issued merely because the requested figures have been submitted.

(5) Each ((Class-H)) spirits, beer and wine restaurant licensee shall conspicuously display or provide to any patron upon request, a menu offering a variety of at least five entrees accompanied by such other foods as to constitute a complete meal. One of the five entrees may consist of pizza or a deep fried food. Where salad bars or other buffet-type meals are offered, one or more entrees may be included to count toward the five entree requirement.

(6) The restaurant area of any ((Class-H)) spirits, beer and wine restaurant shall be open to the public for service of complete meals, with a minimum selection of five entrees, at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day between the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. The hours of complete meal service shall be conspicuously posted for public viewing. A chef or cook shall be on duty during the hours when complete meal service is available. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, minimum food service shall be available for sale to the public. Notice of such minimum food service availability shall be conspicuously posted in all areas where liquor is being served.

(7) The licensee shall maintain the ingredients necessary to provide complete meals including at least five different entrees during those times as required in subsection (5) of this section and minimum food service at all other times. Such ingredients shall be fresh, palatable, and relate to the menu so posted or available to the public.

(8) The refusal or failure by any licensee or employee thereof to provide complete meals or minimum food service shall be *prima facie* evidence of a violation of this section.

(9) In the event a ((Class-H)) spirits, beer and wine restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its ((Class-H)) spirits, beer and wine restaurant license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the ((Class-H)) spirits, beer and wine restaurant license under such terms and conditions as the board determines are in the best interest of the public.

AMENDATORY SECTION (Amending Order 107, Resolution No. 116, filed 6/16/82)

WAC 314-16-195 ((Class-H)) Spirits, beer and wine restaurant restricted—Qualifications. (1) ((Class-H)) Spirits, beer and wine restaurant restricted licensees shall govern their operations in selling liquor in accordance with the regulations set forth in Titles I and II. Such licensees may sell liquor in accordance with these regulations, only to members, invited guests, and holders of cards as authorized by subsection

(3) of this section. ((Class-H)) Spirits, beer and wine restaurant restricted licensees shall not be prohibited from renting, leasing, or donating all or a portion of their facilities for, or making services available to, an activity where the public is invited or admitted under the conditions specified in subsection (4) of this section.

(2)(a) Applications for new ((Class-H)) spirits, beer and wine restaurant restricted licenses shall be on forms prescribed by the board and shall be accompanied by proof that:

(i) The business has been in operation for at least one year immediately prior to the date of its application. Such proof should include records of membership as well as an indication as to numbers and types of membership.

(ii) Membership or admission will not be denied to any person because of race, creed, color, national origin, sex or the presence of any sensory, mental or physical handicap.

(b) Applications for renewal shall be made on forms prescribed by the board and shall be accompanied by such information as the board may request.

(c) ((Class-H)) Spirits, beer and wine restaurant restricted applicants and licensees must meet the provisions of WAC 314-16-190 (1), (2), (3), (4), (5) and (7).

(3)(a) Guest privilege cards may be issued only as follows:

(i) For ((Class-H)) spirits, beer and wine restaurant restricted licensees within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town.

(ii) For ((Class-H)) spirits, beer and wine restaurant restricted licensees outside of any city or town only to those persons residing outside an area fifteen miles from the location of such licensee: *Provided*, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area.

(iii) Such guest privilege cards shall be issued for a reasonable period and must be numbered serially, with a record of the issuance of each such card to be filed on the licensed premises in such a manner as to be readily accessible for inspection.

(iv) The mileage restrictions in (i) and (ii) of this subsection may be waived for special events upon written approval of the board.

(b) Guests may be introduced when accompanied at all times by a member and may remain as long as such member is present: *Provided*, That any such guest may only enjoy the privileges of the organization a reasonable number of times in any one calendar year.

(c) Persons who are members in good standing of a licensed ((Class-H)) spirits, beer and wine restaurant restricted organization may enjoy the privileges of any other licensed ((Class-H)) spirits, beer and wine restaurant restricted organization: *Provided*, That the operating rules of such organization authorize reciprocal privileges: *Provided further*, That (a) and (b) of this subsection shall not apply to members of such organizations while exercising reciprocal privileges.

(4) If the licensee at any time rents any portion of the premises for any purpose other than to their membership or at any time holds any function within the premises to which the

public is generally invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein except for bona fide members and guests. If the premises does not have an area which can be so closed, then no liquor service whatever may be permitted during the entire time when such activity is taking place or when the public is generally admitted in the premises.

AMENDATORY SECTION (Amending WSR 96-03-005, filed 1/4/96, effective 2/4/96)

WAC 314-16-196 ((Class-H)) Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises. (1) Definitions. For the purpose of this section:

(a) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(b) "Cabaret" means a dining area also used to conduct entertainment such as live music, patron dancing, comedy and floor shows.

(c) "Cocktail lounge" means that portion of a licensed premises used primarily for the preparation, sale and service of liquor. Persons under twenty-one years of age are not permitted to enter a cocktail lounge except as otherwise provided under this title.

(d) "Public service area" means those public areas where food and/or liquor is normally sold and served to the general public.

(e) "Dining room" means that area dedicated to the sale and service of food with liquor being incidental to dining. A dining area must be separate and apart from a dance floor, entertainment stage, cocktail lounge or game area except if written permission is given by the board to use a dining area during specified times as a cabaret area.

(f) "Service bar" means any fixed or portable table, counter, cart or similar work station primarily used to prepare, mix, serve and sell liquor for pickup only, by employees and customers.

(2) Before the board shall issue a ((Class-H)) spirits, beer and wine restaurant license to a bona fide restaurant, the applicant shall submit, as a part of or in addition to the blueprint required by WAC 314-16-190 (2)(a), a scale drawing one-quarter inch equals one foot of the proposed premises indicating that the area designated as the primary dining room(s) comprises at least fifteen percent of the total public service area: Provided,

(a) Banquet rooms are permitted without limitations as to number or size.

(b) Routine sale and service of liquor in a banquet room to the public requires written board approval.

(3) The boundary of a cocktail lounge or other restricted area shall be clearly defined as a separate and distinct area by fixed or movable barriers, including, but not limited to, railings, ropes and stanchions, shrubbery or other closely placed plantings, etc.

(a) Restricted area entrances may be no wider than ten feet.

(b) Minor prohibited signs as required by WAC 314-16-025 must be placed at all restricted area entrances and other locations as necessary.

(c) The licensee is responsible to construct and post restricted area boundaries to reasonably prevent unauthorized persons from entering such areas.

(d) Movable barriers may not be placed so as to reduce the required dining area to less than fifteen percent.

(4) In ((Class-H)) spirits, beer and wine restaurant premises with a cocktail lounge, any portable service bar(s) may be placed in, or moved about, public service areas other than the dining area(s) without need for separate board approval.

(a) Any permanently fixed service bar(s) must be included as part of original floor plans or submitted as an alterations request, requiring board approval.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(5) ((Class-H)) Spirits, beer and wine restaurant licensees/applicants may have a service bar(s) without regard to the floor space requirements of subsection (2) of this section, in lieu of a cocktail lounge on the following conditions:

(a) Location of permanently fixed service bar(s) shall be approved, in writing, by the board.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(c) Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

(d) A ((Class-H)) spirits, beer and wine licensed restaurant having a service bar(s) only, is not eligible for entertainment except for the added activity of live background music. Written board approval is required.

(6) If the board issues a ((Class-H)) spirits, beer and wine restaurant license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge, the board will process such a change in the same manner as an application for a new ((Class-H)) spirits, beer and wine restaurant license (i.e., notice will be posted at the premises, notice will be given to local officials, and nearby churches and schools will be notified).

(7) The board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate to the satisfaction of the board that the proposed layout would best suit the available floor space.

AMENDATORY SECTION (Amending WSR 92-14-026, filed 6/22/92, effective 7/23/92)

WAC 314-16-197 Minimum qualifications for applicants who apply for ((Class-A)) beer and/or wine restaurant licenses in lieu of presently held ((Class-B)) tavern license. (1) A ((Class-A)) beer and/or wine restaurant license provides, in part, for the sale of beer at retail for consumption on the premises of a restaurant. Licensees presently holding a ((Class-B)) tavern license who apply for a ((Class-A)) beer and/or wine restaurant license in lieu thereof, must demonstrate to the satisfaction of the board that the business to be licensed will primarily be that of a restaurant, maintained in a substantial manner as a place for preparing, cooking, and

serving of meals. Additionally, prior to approval of the ((Class A)) beer and/or wine restaurant license, the business must be designed and constructed in such a manner as to facilitate the service of food.

(2) While the requirements of subsection((s)) (1)((-2) and (-3)) of this section must be established before the board will give consideration to the issuance of an in lieu ((Class A)) beer and/or wine restaurant license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.

AMENDATORY SECTION (Amending WSR 94-13-127, filed 6/20/94, effective 7/21/94)

WAC 314-16-199 Cocktail lounge declassification—Sunday dining events. (1) Pursuant to RCW 66.44.310(2), the board may classify the cocktail lounge portion of a ((Class H)) spirits, beer and wine restaurant premises as a restaurant for Sunday dining events.

(2) ((Class H)) Spirits, beer and wine restaurant licensees may utilize their cocktail lounge for all age dining events on Sundays subject to the following conditions, (a) written board approval, (b) no preparation, sale or service of liquor from within the cocktail lounge area, (c) all entertainment is prohibited except recorded and live background music which requires prior approval of the board, (d) withdrawal of approval if violations occur.

AMENDATORY SECTION (Amending WSR 95-17-006, filed 8/3/95, effective 9/3/95)

WAC 314-16-200 Minimum qualifications for issuance of ((Class E, F, and Classes EF)) grocery store or beer and/or wine specialty shop licenses. (1) The following are minimum qualifications necessary prior to consideration being given by the board to the issuance of ((Class E, F, or Classes EF)) grocery store or beer and/or wine specialty shop licenses ((to store operations)). The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a ((Class E, F, or Classes EF)) grocery store or beer and/or wine specialty shop license to an applicant, the mere fact that an applicant meets these minimum qualifications is not to be construed as creating a vested right in the applicant to have a license issued.

(2) Before the board will issue a ((Class E, F, or Classes EF)) license to an applicant grocery store, the proposed licensed premises must be stocked with an inventory of food((, grocery and related grocery store items)) for human consumption, not including pop, beer or wine in excess of \$3,000 wholesale value. The minimum wholesale inventory required by this subsection shall be stocked and maintained within the confines of the licensed premises ((and shall not include any gasoline, oil, auto parts, or tobacco products)).

(3) ((Grocery stores which also sell gasoline must be stocked with an inventory of food, grocery, and related grocery store items in excess of \$7,500 wholesale value before the board will issue to them a Class E, F, or Classes EF

license.)) The minimum wholesale inventory required by this ((subsection)) section shall be stocked and maintained within the confines of the licensed premises ((and shall not include any gasoline, oil, auto parts, or tobacco products)). Marinas which sell gasoline for use in boats only shall be subject to the requirements of subsection (2) of this section.

(4) The minimum amounts referred to in subsection((s)) (2) ((and (-3))) of this section shall be maintained at the premises at all times they are licensed with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(5) ((Stores other than grocery)) Beer and/or wine specialty stores must submit to the board a written commitment to establish and maintain a minimum wholesale inventory of beer and/or wine in the amount of (((\$5,000)) \$3,000) prior to the issuance of a license. This minimum inventory shall be maintained at the licensed premises at all times they are licensed.

(6) ((Subsections (2), (3), (4), and (5) of this section shall not apply to a licensee or licensees at a store or stores licensed prior to October 11, 1984, if on that date and thereafter said licensee(s) and/or his, her, their, or its transferee(s) continue to meet the requirements imposed by this section which were in effect pursuant to liquor control board Administrative Order 102, Resolution No. 111.

(7)) If a ((Class E, Class F, or Classes EF)) grocery store or beer and/or wine specialty shop licensee or applicant for such licenses does not meet or maintain the requirements provided for in subsections (2) through ((6)) (5) of this section, the licensee or applicant may petition the board, setting forth any unusual, extenuating, or mitigating circumstances that may justify a variance, and the board may, under such terms and conditions it determines are in the best interest of the public, grant the variance.

AMENDATORY SECTION (Amending Order 220, Resolution No. 229, filed 7/22/87)

WAC 314-16-205 Minimum qualifications for issuance for a ((Class P)) beer and wine gift delivery license. The decision as to whether or not a ((Class P)) beer and wine gift delivery license authorized by RCW 66.24.550 will be issued in a particular case is, pursuant to RCW 66.24.010(2), a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a ((Class P)) beer and wine gift delivery license, the fact that an applicant meets the qualifications set forth in subsections (1) through (6) hereof does not establish a vested right that such license shall issue.

(1) The term "gifts at retail" as used in RCW 66.24.550 shall be interpreted as referring to "goods" and shall not include "services."

(2) The sale and delivery of beer and/or wine under a ((Class P)) beer and wine gift delivery license shall be adjunct to and not constitute the only retail gift delivery service business of the licensee.

(3) Businesses engaged in the selling of flowers or floral arrangements must establish to the board's satisfaction that the primary business being conducted is the sale of flowers,

floral arrangements or ornamental plants. The board may inspect an applicant's inventory, sales figures and business records to make this determination.

(4) A ~~((Class-P))~~ beer and wine gift delivery license holder is required to maintain sales records of all wine sales to include date of sale, name of purchaser, date of delivery and the name and address of the person receiving the delivery of beer and/or wine.

(5) All deliveries of beer and/or wine are to be made by employees twenty-one years of age and older who will have the responsibility of verifying that the person receiving the wine gift is at least twenty-one years of age.

(6) The restrictions on license issuance as specified in RCW 66.24.550, and in subsections (1) through (5) hereof, shall be construed to be continuing conditions for retaining the ~~((Class-P))~~ beer and wine gift delivery license.

AMENDATORY SECTION (Amending Order 85, Resolution No. 94, filed 10/28/81)

WAC 314-16-210 ~~((Class-H))~~ Spirits, beer and wine restaurant license fees in unincorporated areas—Seasonal operations—Prorating fees. (1) The provisions of RCW 66.24.420 (1)(c) which provide for prorated fees according to the calendar quarters for ~~((Class-H))~~ spirits, beer and wine restaurant licensees outside of incorporated cities and towns pertains to those ~~((Class-H))~~ spirits, beer and wine restaurant licensees who have seasonal operations only.

(2) As required by RCW 66.24.010 (5)(c), ~~((Class-H))~~ spirits, beer and wine restaurant licensees outside of incorporated cities and towns who operate on a year-round basis or who are open for a period of time during each calendar quarter are required to submit a full year's fee.

AMENDATORY SECTION (Amending Order 85, Resolution No. 94, filed 10/28/81)

WAC 314-16-230 Authorization for sale of beer and/or wine in unopened bottles for off-premises consumption under ~~((Class-J))~~ special occasion license. (1) Authorization for the sale of unopened bottles and original packages of beer and/or wine not to be consumed on the premises where sold, ~~((at an additional fee of ten dollars per day,))~~ as authorized by RCW ~~((66.24.500))~~ 66.24.380, must be applied for to the board at the time the society or organization makes application for the ~~((Class-J))~~ special occasion license, and the board's written approval is required before any such sales are made.

(2) Board approval for the sales authorized in subsection (1) of this section shall be granted by the board upon the condition that no more than twelve liters of beer and/or wine may be sold to any one purchaser under a single ~~((Class-J))~~ special occasion license.

AMENDATORY SECTION (Amending Order 221, Resolution No. 230, filed 7/22/87)

WAC 314-16-240 ~~((Class-E))~~ Beer and/or wine specialty shop licenses—Principal business sale of beer and

wine for off-premises consumption—Authorization for selling or serving samples. (1) ~~((Class-E))~~ Licensees whose business is primarily the sale of beer and/or wine at retail, who desire authorization under RCW ~~((66.24.360))~~ 66.24.370 to serve on their premises free or for a charge, single serving samples of two ounces or less must, prior to commencing such sales or service, obtain written approval from the board.

(2) To demonstrate to the satisfaction of the board that the ~~((Class-E))~~ licensee's primary business is and continues to be the sale of beer and/or wine at retail, the board may require the licensee to make periodic reports concerning the licensee's sales and inventory. A ~~((Class-E and/or-F))~~ licensee's gross retail sales of beer and/or wine, not to be consumed on premises, must exceed fifty percent of all gross sales for the entire business of said licensee in order to be considered by the board as a business whose primary business is the sale of beer and/or wine.

(3) No more than one sample of any single brand and type of beer and/or wine, and no more than four samples, may be furnished or sold to a customer or patron during any one visit to the licensed premises.

(4) The sampling privileges authorized by RCW ~~((66.24.360))~~ 66.24.370 as implemented by this section of the rules are not to be a substitute for or an alternative to the on-premises consumption of beer and/or wine that is authorized under RCW 66.24.170, 66.24.240 or 66.28.040.

AMENDATORY SECTION (Amending WSR 93-15-026, filed 7/12/93, effective 8/12/93)

WAC 314-16-250 Retail sale of malt liquor in kegs.

(1) Licensees holding a ~~((Class-A or-B))~~ beer restaurant or beer tavern license in combination with a ~~((Class-E))~~ off-premises beer and wine license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid.

(2) Licensees holding a ~~((Class-E))~~ off-premises beer and wine license may sell malt liquor in kegs or other containers capable of holding four gallons or more, but less than five and one-half gallons of malt liquor.

(3) Any licensee who sells or offers for sale kegs or other containers holding four gallons or more of malt liquor to consumers for off-premises consumption who are not licensed under chapter 66.24 RCW shall require the purchaser to:

(a) Provide one piece of identification pursuant to RCW 66.16.040.

(b) Sign a sworn statement, contained on the keg registration declaration and receipt form, under penalty of perjury that:

(i) The purchaser is of legal age to purchase, possess, or use malt liquor;

(ii) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the keg registration declaration and receipt form affixed to the container.

(c) State the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located.

(4) The keg registration declaration and receipt forms shall be provided by the board to licensees holding a (~~Class A or B~~) beer restaurant or beer tavern license in combination with the (~~Class E~~) off-premises beer and wine license. Licensees holding a (~~Class E~~) off-premises beer and wine license must purchase the keg registration declaration and receipt forms from the board at the board's costs of providing the forms. Forms will be sold to (~~Class E~~) off-premises beer and wine licensees upon receipt of a request and payment in the form of a check or money order for the proper amount.

(5) The keg registration declaration and receipt form provided by the board must be properly completed for sales of kegs for off-premises consumption.

(a) The form shall contain:

(i) The name and address of the purchaser.

(ii) The type and number of the identification presented by the purchaser pursuant to RCW 66.16.040.

(iii) A sworn statement, signed by the purchaser under penalty of perjury, that the purchaser is twenty-one years of age or older; will not allow persons under twenty-one years of age to consume the malt liquor purchased; and that the purchaser will not remove or obliterate the keg registration tag affixed to the keg or allow its removal or obliteration.

(iv) The particular address where the malt liquor will be consumed, and the date on which it will be consumed.

(b) Where the purchaser obtains more than one keg for off-premises consumption at the same location and on the same date, only one keg registration declaration and receipt form must contain all required information. All other keg registration declaration and receipt forms for that particular transaction must contain the registration number from the fully completed form as a reference and be signed by the purchaser. Such keg registration declaration and receipt forms which contain the reference number of a fully completed form and have been signed by the purchaser constitute a valid and properly completed keg registration and declaration receipt.

(6) The seller shall comply with all provisions of the keg registration law as codified in RCW 66.28.200, 66.28.210, 66.28.220, 66.28.230, and 66.28.240 including provisions adopted in chapter 21, Laws of 1993.

(7) For the purpose of tracing the kegs and purchaser responsibility it shall be the responsibility of the seller to affix the properly completed and signed keg registration declaration and receipt form to all containers of four gallons or more of malt liquor prior to the container leaving the premises of the seller.

(8) The licensee must retain a copy of the keg registration declaration and receipt, which shall be retained on the licensed premises for a period of one year unless otherwise authorized in writing by the board. The records shall be available for inspection and copying by any liquor enforcement officer or other law enforcement officer.

(9) The keg registration declaration and receipt affixed to the keg may serve as the purchaser's receipt.

(10) Kegs or other containers holding four gallons or more of malt liquor shall be purchased for off-premises consumption only from an authorized retail source and shall, at all times, have a properly completed keg registration declaration and receipt form affixed thereon when sold for off-premises consumption. Possession of a keg or other container which holds four gallons or more of malt liquor, other than on the seller's premises, without a properly completed keg registration and declaration form either affixed thereon or in possession of the person with the keg(s) shall be a violation of this title.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-16-220

Class F licensees—Principal business sale of wine for off-premises consumption—Authorization for selling or serving samples.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 314-22-010

Nonretail licenses—License designations.

Chapter 314-24 WAC

**DOMESTIC WINERIES AND DOMESTIC WINE
(~~WHOLESALE~~) DISTRIBUTORS**

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-006 Substandard wines prohibited. Application of this regulation. The production, importation or sale of, wine, which fails to conform to the standards prescribed in regulation (57) hereof, or of any wine fermented from raisins, dried fruits, or dried berries, or of any imitation or substandard wine as hereinafter defined, is hereby prohibited.

(1) Imitation wine shall include:

(a) Any wine containing synthetic materials;

(b) Any wine made from a mixture of water with residues remaining after thorough pressing of grapes, fruit or other agricultural products;

(c) Any class or type of wine, the taste, aroma, color or other characteristics of which have been acquired in whole or in part by treatment with methods or materials of any kind, if the taste, aroma, color or other characteristics of normal wines of such class or type are acquired without such treatment; or

(d) Any wine made from "must" concentrated at any time to more than 80 degrees (balling).

(2) Substandard wine shall include:

(a) Any wine having a volatile acidity in excess of the maximum prescribed therefor in these regulations;

PERMANENT

(b) Any wine for which no maximum volatile acidity is prescribed in these regulations having a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, in excess of 0.14 gram per 100 cubic centimeters (20 degrees C.);

(c) Any wine for which a standard of identity is prescribed in these regulations which, through disease, decomposition, or otherwise, fails to have the composition, color, and clean vinous taste and aroma of normal wines conforming to such standard; or

(d) Wine of any class or type containing added water, or sugar and water solution, in excess of the quantities expressly authorized for standard wine made from the same kind or kinds of materials as prescribed in regulation (57).

(3) Coined names:

(a) The sale in this state of wines, identified on labels or in advertisements by a type of brand designation which implies mixtures of wines for which standards of identity are established in these regulations, or which identifying type or brand designation resembles an established wine type name such as Angelica, Madeira, Muscatel, Port, White Port, Sherry, Tokay, Sauterne, Claret, Burgundy, etc., is hereby prohibited.

(b) The sale in this state of wine or combinations of wine and other alcoholic beverages which contain on the label statements such as whiskey wine, rum and wine, gin and wine, beer and wine, etc., or simulations of such combinations, is hereby prohibited.

(4) Containers:

(a) The sale of wine in any container originally designed for a product other than wine or in any container the design or shape of which would tend to mislead the consumer as to the nature of the contents, is hereby prohibited.

(b) The sale of wine in containers which have blown, branded or burned therein the name or other distinguishing mark of any person engaged in business as a wine producer, importer, (~~wholesaler~~) distributor, or bottler or any other person different from the person whose name is required to appear on the brand label, is hereby prohibited.

AMENDATORY SECTION (Amending WSR 92-03-110, filed 1/21/92, effective 2/21/92)

WAC 314-24-040 Wine labels—Certificate of label approval required—Labels to be submitted. No wine shall be imported or sold within the state of Washington until the certificate of approval holder, or domestic winery, or United States importer of foreign wine, shall have obtained from the board a certificate of label approval for such wine.

(1) A request for certificate of label approval must be submitted to the board on forms prescribed by the board, together with the following:

(a) Two labels of the brand and type for which approval is requested for wines under seven percent alcohol by volume; and

(b) One copy of the federal certificate of label approval for such wine which has been issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(2) Any change in label or product which requires reissuance of federal approval under the provisions of 27 CFR Part

4, must also be submitted to the board in accordance with the foregoing provisions of this regulation.

(3) Every producer, importer, bottler, or (~~wholesaler~~) distributor of wine shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of wine upon its premises for the purpose of analysis in order to determine whether the wine conforms to the quality standards set by the board in WAC 314-24-060 and conforms with commercial standards.

(4) No label shall be used that is misleading.

(5) No label will be approved which is designed to be especially appealing to children or other persons under legal age to consume. Persons who appear to be under legal age to consume may be depicted on a label when, in the discretion of the board, the depiction is dignified and does not promote illegal consumption of liquor.

AMENDATORY SECTION (Amending Order 172, Resolution No. 181, filed 3/13/86)

WAC 314-24-080 Containers—Sizes and types permitted. (1) All wine sold for consumption in the state shall be sold in packages or container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for Marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(2) No domestic winery or wine (~~wholesaler~~) distributor, or wine importer shall adopt or use any packages for wine differing in sizes and case capacities from: Manufacturer's original full cases. The board may, in its discretion, authorize other container and/or keg size packages it deems appropriate.

(3) Wine referred to in subsections (1) and (2) of this regulation may also be packaged and sold in metric standards of fill and in case sizes as are established in 27 Code of Federal Regulations, to wit: 3 liters (101 fl. oz.) 4 bottles per case; 1.5 liters (50.7 fl. oz.) 6 bottles p/c; one liter (33.8 fl. oz.) 12 bottles p/c; 750 milliliters (25.4 fl. oz.) 12 bottles p/c; 375 milliliters (12.7 fl. oz.) 24 bottles p/c; 187 milliliters (6.3 fl. oz.) 48 bottles p/c; 100 milliliters (3.4 fl. oz.) 60 bottles p/c. Wine may be bottled or packed in containers of four liters or larger if the containers are filled and labeled in quantities of even liters.

(4) Wine imported from foreign countries may be packaged and container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(5) For taxing purposes and in all reports to the board, the above enumerated designations of package sizes, and no others, shall be used.

AMENDATORY SECTION (Amending WSR 93-11-028, filed 5/10/93, effective 6/10/93)

WAC 314-24-095 Fortified wine—Exception to definition when affidavit on file. (1) All wines which have an alcohol content greater than fourteen percent of alcohol by

volume shall be considered to be "fortified wine" as defined in RCW 66.04.010(34) until an affidavit of exception, on a form prescribed by the board, has been filed with the board certifying that said wine qualifies under one or more of the statutory exclusions from that definition.

(2) The affidavit may be filed by either the manufacturer, importer or ((~~wholesaler~~)) distributor of the wine, and whichever licensee files the affidavit is responsible for the information contained therein. Any affidavit which the board finds to contain false information shall result in suspension of label and product approval for the wine which is the subject of the affidavit for a period of not less than one year.

AMENDATORY SECTION (Amending Order 55, filed 5/31/77, effective 7/1/77)

WAC 314-24-105 Application procedure—Wine ((~~wholesaler's~~)) distributor's or importer's license. Any person making application for a new wine ((~~wholesaler's~~)) distributor's or importer's license shall submit to the board, as a condition precedent to the board considering the application, such information as may be requested by the board and shall additionally submit a written commitment from a manufacturer or importer that the product the applicant proposes to distribute is available to him should a license be issued.

The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. The submission of the above information and written commitment shall not be construed as creating a vested right in the applicant to have a license issued.

AMENDATORY SECTION (Amending Order 222, Resolution No. 231, filed 7/22/87)

WAC 314-24-110 Domestic wineries, wine ((~~wholesalers~~)) distributors, wine importers—Monthly reports—Bonds required—Payment of tax. (1) Every domestic winery and every holder of a wine ((~~wholesaler's~~)) distributor's license must at all times when said license is in force, have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board. The said bond shall be payable to the Washington state liquor control board and conditioned that such domestic winery and wine ((~~wholesaler~~)) distributor will pay to the board the tax of \$0.2192 per liter, levied by reason of RCW 66.24.210 and 82.02.030.

(2) Every person, firm or corporation holding a license to manufacture or produce wine within the state of Washington shall, on or before the twentieth day of each month, submit to the board, upon forms furnished by the board, reports showing all required information on transactions in wine manufactured or produced on the winery premises.

(3) At the time of making such monthly reports to the board, the domestic winery shall pay to the board the total wine tax and surcharge of \$0.2192 per liter on wine removed from federal bond for sale at retail on the winery premises, as provided in RCW 66.28.010 and 66.24.170; on wine removed from federal bond for sale to retail licensees as provided in RCW 66.24.170; on wine removed from federal

bond for furnishing as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040; and on wine removed from federal bond for furnishing without charge to a not-for-profit group for the purpose of enology or the study of viticulture as provided in RCW 66.28.040: *Provided*, That such tax shall not apply to or be paid by a domestic winery on sales to Washington wine ((~~wholesalers~~)) distributors, inter-winery shipments, shipments exported directly to a point outside the state of Washington, or sales to the Washington state liquor control board.

(4) Every person, firm or corporation holding a wine importer's license or a wine ((~~wholesaler's~~)) distributor's license in the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the twentieth day of each month, of all wine that such importer or ((~~wholesaler~~)) distributor has purchased and received during the preceding calendar month on which the wine tax has not been paid. The total tax and surcharge of \$0.2192 per liter shall be paid by the first wine ((~~wholesaler~~)) distributor to receive the wine on which such tax has not been previously paid, including wine received as samples from outside the state of Washington and/or wine furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040, and shall be remitted to the board at the time of filing the monthly report required in this subsection. Such tax shall apply to sales by a wine ((~~wholesaler~~)) distributor to the Washington state liquor control board. The report method of payment of tax shall be exclusive of any other method. Where a wine importer does not also hold a wine ((~~wholesaler's~~)) distributor's license, the wine importer shall pay the wine tax on any wines received and/or furnished as samples.

(5) Failure to make such report, or pay said total tax and surcharge where required, at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the delinquent domestic winery, wine importer, or wine ((~~wholesaler~~)) distributor. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of purchase. When the twentieth day of any month falls on a Sunday, or a legal holiday, the tax may be filed not later than the close of business the next business day. In addition, in case of any such tax delinquency, the board shall immediately give notice to the surety on such domestic winery or wine ((~~wholesaler's~~)) distributor's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(6) Wine ((~~wholesalers~~)) distributors or wine importers who export wine to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.210 and the surcharge as imposed by RCW 82.02.030 have been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, wine sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to RCW 66.24.395, or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. The wine tax shall not be paid on wine being shipped in interstate commerce from one point outside this

state directly through the state to another point outside the geographical confines of this state.

(7) The board may make other arrangements for reporting and payment of total tax and surcharge where an in-state licensee purchases wine from within and/or without the state of Washington primarily for export from the state. Such arrangements would be on an individual basis and would be for the purpose of simplifying the reporting and accounting requirements.

AMENDATORY SECTION (Amending Order 95, Resolution No. 104, filed 1/28/82)

WAC 314-24-120 Importer of foreign wine—United States wineries—Certificate of approval required—Monthly reports—Records. (1) Foreign wine. Wine manufactured outside of the United States may be imported by a wine importer under the following conditions:

(a) The wine importer must be the holder of a certificate of approval.

(b) The wine importer (certificate of approval holder) importing such wine must obtain label approval in accordance with WAC 314-24-040. Such wine shall be imported and delivered directly to either the warehouse of the importer (certificate of approval holder) or to some other warehouse previously designated by the importer and approved by the board.

(c) On or before the twentieth day of the month following such importation the importer (certificate of approval holder) shall report such importation to the board upon forms prescribed and furnished by the board.

(d) All matters pertaining to the importation, transportation, storage, keeping of records, and all other matters pertaining to the importation of wine manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

(e) Any wine importer (certificate of approval holder) holding a wine ((~~wholesaler's~~) distributor's) license should refer to WAC 314-24-110 for requirements on surety bond and payment of wine tax.

(2) Holders of certificate of approval—United States wineries, located outside of Washington state. Each winery holding a certificate of approval may ship wine to licensed wine importers only. As required by section 10, chapter 21, Laws of 1969 ex. sess., and by the written agreement embodied in the application for certificate of approval, each winery holding a certificate of approval shall, on or before the twentieth day of each month, furnish to the board a report of such shipments.

(a) Such report shall show the quantity of wine sold or delivered to each licensed wine importer during the preceding month, together with such other information as the board may require.

(b) All reports shall be made upon forms prescribed and furnished by the Washington state liquor control board.

(3) Failure to make such a report at the time and in the manner as prescribed will be sufficient cause for the board to

forthwith suspend or revoke the certificate of the certificate of approval holder.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-130 Case lot sales. No domestic winery, wine ((~~wholesaler~~) distributor), wine importer, or certificate of approval holder shall sell or otherwise deliver wine to another domestic winery, wine ((~~wholesaler~~) distributor), and wine importer except in whole case lots, nor shall any such licensee receive from any other such licensee wine except in whole case lots.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-140 Sales to vessels. Tax paid wine may be sold direct by wine ((~~wholesalers~~) distributors) to:

(1) Vessels engaged in foreign commerce and operating on regular schedules.

(2) Vessels engaged in interstate commerce and operating on regular schedules.

(3) Vessels commonly known as "tramps," engaged in interstate and/or foreign commerce but not operating on regular schedules and taking cargo when and where it offers and to any port.

Wine may not be sold direct by wine ((~~wholesalers~~) distributors) to any other class of boat or vessel unless the boat or vessel is in possession of a proper retail license.

AMENDATORY SECTION (Amending Order 229, Resolution No. 238, filed 9/29/87)

WAC 314-24-150 Wine records—Preservation. (1) Every domestic winery, wine ((~~wholesaler~~) distributor), and wine importer shall keep wine accounts separate from other accounts, and maintain proper records in a form approved by the board showing all transactions in wine.

(2) Every domestic winery, wine ((~~wholesaler~~) distributor), and wine importer, shall, in the case of sales of wine within the state, keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, in the office of the domestic winery, wine ((~~wholesaler~~) distributor) or wine importer for at least two years after each sale.

(3) Every domestic winery, wine ((~~wholesaler~~) distributor), and wine importer, shall, in the case of wine exported from the state, keep and preserve all bills of lading and other evidence of shipment in the office of the domestic winery, wine ((~~wholesaler~~) distributor), or wine importer for at least two years after each shipment.

(4) In the case of sales, transfers or shipments of wine between a domestic winery and a wine ((~~wholesaler~~) distributor), or between two domestic wineries, or between two wine ((~~wholesalers~~) distributors), or between a wine importer and a wine ((~~wholesaler~~) distributor), both the shipping and receiving licensees, as the case may be, shall keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, transfer or shipment in their respective offices for at least two years after each sale, transfer or shipment.

(5) Each winery, wine (~~wholesaler~~) distributor, and wine importer may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing, and reproduction of such records the same as if they were the original records.

(6) If the winery, wine (~~wholesaler~~) distributor, or wine importer keeps records within an automated data processing (ADP) system, the system must include a method for producing legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

- (a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.
- (b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If printouts of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.
- (c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(7) The provisions contained in subsections (5) and (6) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

AMENDATORY SECTION (Amending WSR 93-11-028, filed 5/10/93, effective 6/10/93)

WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—(~~Class H~~) Spirit, beer and wine restaurant operation. (1) A domestic winery holding a proper retail license, pursuant to chapter 66.24 RCW, may sell wine of its own production at retail on the winery premises: *Provided*, That wine so sold at retail shall be subject to the tax imposed by RCW 66.24.210, and to reporting and bonding requirements as prescribed by RCW 66.28.010 and WAC 314-24-110 (Rule 69).

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

(4) A domestic winery or a lessee of a licensed domestic winery operating a (~~Class H~~) spirit, beer and wine restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such (~~Class H~~) spirit, beer and wine restaurant licenses.

(5) A domestic winery may serve its own wine and wine not of its own production without charge on the winery premises as authorized by RCW 66.28.040. Such wine served without charge as provided herein is not subject to the tax imposed by RCW 66.24.210.

(6) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served.

(7) A winery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the winery premises that is not of its own production.

AMENDATORY SECTION (Amending Order 270, Resolution No. 279, filed 11/22/88)

WAC 314-24-170 Cash sales. No wine (~~wholesaler~~) distributor shall sell or deliver any wine to any retailer within the state except for cash paid at the time of the delivery of such wine: *Provided*, That cash may be paid prior to the delivery of wine sold to any retailer. Failure by licensees to keep accurate accounting records which result in the extension of credit, in violation of RCW 66.28.010 through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

AMENDATORY SECTION (Amending Order 5, filed 8/7/69, effective 9/8/69)

WAC 314-24-180 Wine (~~wholesalers~~) distributors, wine importers—Certain rights granted. (1) Wine (~~wholesalers~~) distributors may sell to the board, export wine from the state, and purchase wine from or sell wine to another wine (~~wholesaler~~) distributor.

(2) Wine importers may sell to the board, export wine from the state, or sell to wine (~~wholesalers~~) distributors, but may not sell to another wine importer.

AMENDATORY SECTION (Amending Order 222, Resolution No. 231, filed 7/22/87)

WAC 314-24-190 Wine (~~wholesale~~) distributor price posting. (1) Every wine (~~wholesaler~~) distributor shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands

of wine offered for sale by such wine (~~(wholesaler)~~) distributor shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: *Provided*, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine (~~(wholesaler)~~) distributor determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a wine (~~(wholesaler)~~) distributor elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine (~~(wholesaler)~~) distributor, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080.

(b) The wholesale prices thereof within the state, which prices shall include the state wine tax plus surcharge of \$0.2192 cents per liter imposed under RCW 66.24.210 and 82.02.030.

(6) No wine (~~(wholesaler)~~) distributor shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board when the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the (~~(wholesaler)~~) distributor who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine (~~(wholesaler)~~) distributor and a (~~(wine wholesaler)~~) distributor, as filed in accordance with WAC 314-24-200, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine (~~(wholesaler)~~) distributor in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine (~~(wholesaler)~~) distributor, may put such filings into effect immediately: *Provided*, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine (~~(wholesaler's)~~) distributor's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200.

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine (~~(wholesaler)~~) distributor or employee authorized by (~~(his wholesaler)~~) his/her distributor-employer may sell wine at the (~~(wholesaler's)~~) distributor's posted prices to any (~~(Class C, F, H, or J)~~) authorized licensee upon presentation to such (~~(wholesaler)~~) distributor or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every (~~(Class C, F, H, or J)~~) authorized retail licensee, upon purchasing any wine from a (~~(wholesaler)~~) distributor, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such ((~~wholesaler~~)) distributor or his authorized employee either to such retailer's licensed premises or directly to such retailer at the ((~~wholesaler's~~)) distributor's licensed premises: *Provided, however,* That a ((~~wholesaler's~~)) distributor's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 222, Resolution No. 231, filed 7/22/87)

WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda. (1) Every domestic winery shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such winery may have with any wine ((~~wholesaler~~)) distributor, which contracts or memoranda shall contain a schedule of the prices charged to ((~~wholesalers~~)) distributors for all items. Requirements for including or omitting from such prices the wine tax plus surcharge of \$0.2192 cents per liter, imposed under RCW 66.24.210 and 82.02.030, are set forth in subsection (8) of this section. Contracts and memoranda required to be filed under this subsection must list all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; and all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised prices, contracts or memoranda shall be filed with the board, as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of wine offered for sale by such licensed domestic winery; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the next calendar month: *Provided,* That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the twenty-fifth day of any month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) Exceptions for changes in ((~~wholesalers~~)) distributors and newly licensed ((~~wholesalers~~)) distributors are set forth in WAC 314-24-190 (9) and (10).

(5) In the event that a domestic winery determines to make no changes in any contracts or memoranda last filed and then in effect, such contracts or memoranda shall remain in effect for each succeeding calendar month until revised or amended contracts or memoranda are filed and placed into effect as provided herein.

Provision for filing of temporary price reductions—In the event a licensed domestic winery elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(6) Prices filed by a domestic winery shall be uniform prices to all ((~~wholesalers~~)) distributors on a state-wide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below acquisition cost plus ten percent of acquisition cost: *Provided,* That acquisition cost plus ten percent of acquisition cost shall not apply to sales of wine between a wine importer who sells wine to a wine ((~~wholesaler~~)) distributor, or to a wine ((~~wholesaler~~)) distributor who sells wine to another wine ((~~wholesaler~~)) distributor.

(7) The provisions set forth in subsections (1), (2), (3), (4), (5) and (6) of this section shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by certificate of approval holders who sell wine to wine importers; wine importers who sell to wine ((~~wholesalers~~)) distributors; and wine ((~~wholesalers~~)) distributors who sell to other wine ((~~wholesalers~~)) distributors: *Provided,* That the provisions of this subsection shall not apply, and filing will not be required, in the instance of wine ((~~wholesalers~~)) distributors making accommodation sales to other wine ((~~wholesalers~~)) distributors when such sales are made at a selling price not to exceed the laid-in cost of the wine being sold. Accommodation sales may only be made when the ((~~wholesaler~~)) distributor purchasing the wine is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(8) The wine tax plus surcharge, imposed under RCW 66.24.210 and 82.02.030, is not to be included in the prices filed as required by subsection (1) of this section by (a) a domestic winery, nor (b) by a certificate of approval holder who is not licensed as a wine ((~~wholesaler~~)) distributor, nor

(c) a wine importer who is not licensed as a wine (~~((wholesaler))~~) distributor.

Every wine (~~((wholesaler))~~) distributor who sells wine to another wine (~~((wholesaler))~~) distributor shall include such tax in the prices posted on such required schedules.

(9) No domestic wineries, certificate of approval holders, wine importers, or wine (~~((wholesalers))~~) distributors shall sell any wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(10) Certificate of approval holders may ship wine into this state when the same has been sold and consigned to the holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the wine diverted unless such diversion is to another importer, and the board so notified immediately.

(11) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any such price filing, contract or memorandum of oral agreement the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(12) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 227, Resolution No. 236, filed 7/23/87)

WAC 314-24-210 Return of wine by retailer—Replacement—Conditions. No wine shall be returned by any retail licensee to any wine (~~((wholesaler))~~) distributor except as herein provided.

(1) Wine which is not in a salable condition may be returned by a retail licensee to the wine (~~((wholesaler))~~) distributor from whom purchased, provided it is immediately replaced by the wine (~~((wholesaler))~~) distributor with an identical quantity, type and brand of wine: *Provided*, That if the brand of wine is not presently in the wine (~~((wholesaler's))~~) distributor's stock and is not available to the (~~((wholesaler))~~) distributor in the immediate future, a cash refund may be made to the retail licensee upon the approval of the board first being obtained.

(a) Every wine (~~((wholesaler))~~) distributor shall maintain on the licensed premises for a period of two years complete records of all refunds and exchanges made under this section

including an inventory of unsalable wine returned to such (~~((wholesaler))~~) distributor by any retail licensee.

(b) Such unsalable wine which requires reconditioning or destruction shall be returned by the wine (~~((wholesaler))~~) distributor to the domestic winery which manufactured or produced the same, or to the importer who imported such wine. When wine which has been returned to a domestic winery by any person for reconditioning or destruction has been assembled at the winery, a complete inventory in duplicate of unsalable wine shall be filed with the board by the winery with a request that inspection be made of the returned wine before the reconditioning process or destruction is started. When wine has been returned by the (~~((wholesaler))~~) distributor to the importer who imported such wine, a complete inventory of said wine shall be filed in duplicate with the board by the importer with a request that inspection be made of the returned wine before the wine is destroyed or returned to the out-of-state manufacturer.

(c) Wine which is not in a salable condition and has been returned to a domestic winery or importer by a (~~((wholesaler))~~) distributor may be replaced by the supplier with an identical quantity, type, and brand of wine: *Provided*, That if the brand of wine is not presently in the winery or importer's stock and is not available to the supplier in the immediate future, a cash refund or credit may be made to the (~~((wholesaler))~~) distributor by the supplier. Credit extended for the return of product should be noted on a separate document from the original invoice. Except as provided herein, no other adjustment, by way of a cash refund or otherwise, shall be made by the winery or wine (~~((wholesaler))~~) distributor.

(2) Wine may be returned by a retail licensee or by a governmental agency who has seized the same to the wine (~~((wholesaler))~~) distributor selling such wine in the event the retailer goes out of the business of selling wine at retail or has their license changed to a (~~((Class F))~~) wine restricted license, and in such case a cash refund may be made upon return of the wine, provided that consent of the board is first had and obtained.

(3) Wine different from that ordered which has been delivered in error to a retail licensee may be returned to a wine (~~((wholesaler))~~) distributor and either replaced with that wine which was ordered or a cash refund may be made upon the approval of the board first being obtained: *Provided*, That the error in delivery shall be discovered and corrected within eight days of the date the delivery was made.

(4) A (~~((wholesaler))~~) distributor may return salable wine to a Washington winery provided the winery reimburses the (~~((wholesaler))~~) distributor for the cost of the wine plus the wine tax which was paid by the (~~((wholesaler))~~) distributor. The winery will then put any wine returned from a (~~((wholesaler))~~) distributor into their tax paid area at the winery.

AMENDATORY SECTION (Amending WSR 96-11-076, filed 5/13/96, effective 6/13/96)

WAC 314-24-220 Licensing and operation of bonded wine warehouses. (1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a (~~((Class N license))~~) bonded wine warehouse licensee. Applications for a bonded wine

warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use. Wine not under federal excise tax bond shall be identified as federally tax-paid and physically separated on the premises to the extent required under the license holder's federal basic permit.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a United States winery outside the state of Washington holding a Washington certificate of approval. The wine may or may not be under federal bond, and the Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine (~~wholesaler~~) distributor or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse licensee shall have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) Removals of wine from a bonded wine warehouse may be made only for (~~shipment~~) shipment (a) to a licensed independent Washington wine (~~wholesaler~~) distributor; (b) to another licensed bonded wine warehouse; (c) to the liquor control board; (d) out of state; (e) for return to the producing winery; or (f) to a producing domestic winery licensee. For purposes of this section, "producing domestic winery licensee" means the licensed Washington winery that produced the wine and its licensed agents. For purposes of this section, a "licensed agent" shall be an accredited representative, licensed pursuant to chapter 314-44 WAC, of only one producing domestic winery at the time of removal by such agent. A producing domestic winery licensee may take possession of wine from a bonded wine warehouse, after accepting an order therefor, and deliver the wine to a purchasing retail or special occasion licensee only by transporting the wine directly from the bonded wine warehouse to the licensed premises of the purchasing retail or special occasion licensee; provided, however, that in no event may a producing domestic winery licensee remove, in the aggregate, during any one calendar year, more than two thousand cases of wine for delivery directly to retail and special occasion licensees. Producing domestic winery licensees shall maintain records of removals and deliveries of wine from bonded wine warehouses and shall file with the liquor control board annually reports of the quantity of wine removed and delivered directly to retail and special occasion licensees. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine (~~wholesalers~~) distributors, and/or the liquor control board on the twentieth day of the month

following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e., other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

AMENDATORY SECTION (Amending WSR 94-10-034, filed 4/29/94, effective 5/30/94)

WAC 314-24-230 (~~Class W8—Private~~) Wine shipper's license. There shall be a license, designated as a (~~class W8~~) wine shipper's license, to authorize the licensee to ship up to two cases of wine of its own manufacture annually to any resident of the state of Washington who is over the age of twenty-one years without payment of Washington's state liquor taxes and markup.

(1) Wine received as authorized by this rule shall be free of markup and state taxes as otherwise required by RCW 66.12.120 if the state from which the wine is received allows its residents to receive wine from the state of Washington without imposition of state tax, markup, or charges.

(2) All holders of a winery certificate of approval designated as (~~a W7~~) an out-of-state winery license as authorized by RCW 66.24.206 and WAC 314-22-010, shall be deemed to hold (~~class W8~~) wine shipper's license privileges without further application, *provided*, the holder meets all legal requirements for private wine shipments.

(3) A wine manufacturer located outside the state of Washington which is licensed by its resident state to manufacture wine therein may apply for a (~~class W8~~) wine shipper's license from the board, if the manufacturer's resident state allows Washington wineries licensed under RCW 66.24.170 an equal reciprocal shipping privilege.

AMENDATORY SECTION (Amending WSR 91-21-132, filed 10/23/91, effective 11/23/91)

WAC 314-24-250 Labeling requirements for (~~W8~~) private wine shippers. (1) All holders of a (~~class W8~~) private wine shipper's license shall label all wine cases or outside shipping packages with the following language: "Alcoholic beverage. Do not deliver to anyone under 21 years old or who is visibly intoxicated. If reasonable doubt of age

exists, verify age and record driver's license number or other photo ID."

(2) The language required in section (1) must be clearly visible and readable at the time of delivery.

AMENDATORY SECTION (Amending WSR 94-08-032, filed 3/30/94, effective 4/30/94)

WAC 314-25-010 Definition and limitations. (1) The holder of a duty free exporter's license (~~(, designated as a class S license by)~~) RCW 66.24.530 and (~~(a class NS)~~) ships chandler's license (~~(by)~~) WAC 314-22-010(7) shall be referred to as a "ships chandler" for the purposes of this section.

(2) A ships chandler is considered to be a (~~(wholesaler)~~) distributor of beer and wine for the purposes of RCW 66.28.010.

(3) A ships chandler is authorized to sell beer and wine and is not authorized to sell, possess, deliver or transfer any spirituous liquor without an additional liquor importers license.

AMENDATORY SECTION (Amending WSR 94-08-032, filed 3/30/94, effective 4/30/94)

WAC 314-25-020 Purchase and receipt of beer and wine. (1) As authorized by RCW 66.24.530, a ships chandler may purchase beer and wine, from:

(a) A licensed Washington brewery or winery(~~(,);~~);

(b) A licensed Washington beer or wine (~~(wholesaler,)~~) distributor;

(c) A licensed beer or wine importer located within the state of Washington (~~(and)~~);

(d) Breweries and wineries located within the United States who hold a certificate of approval to ship their product into Washington as authorized by (~~(RCW 66.24,)~~) chapter 66.24 RCW;

(e) A ships chandler who is currently licensed by the state of Washington (~~(with a class S (NS) license)~~).

(2) A ships chandler may not purchase beer or wine from any source other than those listed above.

(3) All beer and/or wine purchased by a ships chandler must be delivered to the licensed address of the ships chandler, unless an auxiliary location has been authorized by the board.

AMENDATORY SECTION (Amending WSR 94-08-032, filed 3/30/94, effective 4/30/94)

WAC 314-25-030 Location—Auxiliary location—Inspection. (1) A ships chandler may distribute beer and wine from their licensed location to ships doing business in foreign commerce, to other (~~(class S (NS))~~) licensees, and to Interstate Common Carriers (~~(class CCI-1)~~) ships chandler licensed under RCW 66.24.395 with no additional notification.

(2) The ships chandler must notify the board of every auxiliary distribution location, its secondary business name, if applicable, the street address and mailing address.

(3) No distribution of beer and wine shall be made to a ship except from an authorized location.

(4) All ships chandler's license holders, their auxiliary locations and any vehicle used to transport beer and wine will be open to inspection by employees of the board.

AMENDATORY SECTION (Amending WSR 94-08-032, filed 3/30/94, effective 4/30/94)

WAC 314-25-040 Delivery of beer and wine—Records. (1) Sales made by a ships chandler of beer and wine to an approved recipient may only be delivered to another ships chandler, a vessel for use in foreign commerce, a contracted (~~(CCI-1)~~) Interstate Common Carrier, or employees thereof.

(2) Beer and wine may only be delivered when the ships chandler has on file a signed statement, in a format approved by the board, which indicates the captain of the ship or manager of the authorized purchasing business understands and agrees that:

(a) No beer or wine purchased will be consumed in Washington waters or territory or within three miles of the shores of the state of Washington;

(b) No beer or wine purchased will be consumed while the ship is docked in a Washington port; and

(c) Local law enforcement officers and board enforcement officers have the right to board and inspect the vessel while in Washington waters.

(3) Every statement will be notarized and remain valid for (~~(12)~~) twelve calendar months after the date of signing and be signed by the master of the ship or his/her agent with the ships stamp affixed and countersigned by the ships chandler or their employee.

(4) A ships chandler or their employee must deliver any beer and wine directly to an authorized recipient purchasing the alcoholic beverage and it must be immediately placed into a locked storage area. The ships chandler must obtain the signature and printed name of the master or agent of the ship, (~~(S (NS))~~) ships chandler licensee or contracted (~~(ICC)~~) Interstate Common Carrier on the delivery document which will contain the following information:

(a) Name of ship(~~(,);~~);

(b) Country of registry, if known(~~(,);~~);

(c) Type and amount of product delivered;

(d) Date of delivery(~~(,);~~);

(e) Name and address of ships chandler making the sale; and

(f) Signature and printed name of crew member receiving the liquor.

(5) The ships chandler will maintain records of all sales to ships, (~~(S (NS))~~) ships chandler licensees and (~~(CCI-1)~~) Interstate Common Carrier approved licensees doing business in foreign commerce to include all federally mandated documents including order forms, bills of lading, affidavits, delivery to auxiliary location, etc., for a period of (~~(2)~~) two years. Such records, or their computerized equivalent, will be available for inspection and copying by employees of the board upon request.

(6) Board employees have the right to enter and inspect, without warrant, any business, ship, aircraft, vessel, or transport vehicle from which beer and wine is delivered to or from a licensed ships chandler.

AMENDATORY SECTION (Amending WSR 91-19-070, filed 9/16/91, effective 10/17/91)

WAC 314-26-010 Procedures for tax refunds. The board may refund the tax on beer imposed by RCW 66.24.290, and the tax on wine imposed by RCW 66.24.210, when such taxpaid products have been deemed to be unsalable due to freight damage or other causes prior to sale to consumers, and are destroyed within the state. Such tax refunds are subject to the following conditions:

(1) Notify local liquor enforcement officer in advance for destruction of more than fifty cases of wine or two hundred cases of beer

(2) Record shall be kept for the liquor auditor showing (a) the reason for the destruction, (b) an inventory of products destroyed and (c) a completed copy of "REFUND BEER TAX" (LIQ 710) or "WINE ((~~WHOLESALE~~) DISTRIBUTORS....SALES TO MILITARY, out of state &/OR CLAIMS" (LIQ 700) which was mailed to the board within 30 days of the destruction.

(3) It shall be a violation of this title for any licensee to: (a) destroy amounts of beer or wine over those stated in section (1) without having first notified the local liquor enforcement officer, or (b) fail to mail a destruction form to the board within 30 days of the destruction and (c) fail to keep a copy of the destruction at the licensed premises and available for inspection by board employees for a period of two years.

AMENDATORY SECTION (Amending Order 109, Resolution No. 118, filed 8/9/82)

WAC 314-27-010 Liquor purchases by Class ((~~CCI~~) Interstate Common Carrier) licensees—Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers. (1) Any employee authorized by the board and/or any licensed importer and/or ((~~wholesaler~~) distributor) may sell liquor to the holder of a Class ((~~CCI~~) Interstate Common Carrier) license upon presentation of a special permit issued by the board to such licensee.

(2) Sales of liquor by the board to such properly licensed interstate commercial common passenger carriers shall be treated as sales for export from the state and, as such, will not be subject to collection of the state liquor taxes at the time of purchase by the licensee.

(3) Every federally licensed interstate commercial common passenger carrier, holding ((~~a Class CCI-1 or a Class CCI-2~~) an Interstate Common Carrier) license pursuant to chapter 245, Laws of 1975 1st ex. sess., shall, on or before the fifteenth day of each month, make a report to the board, upon forms approved by the board, of all spirituous liquor, beer and wine served or sold at retail for passenger consumption by such common carrier within or over the territorial limits of the state of Washington during the preceding calendar month.

At the time of filing the report prescribed herein, such common carrier shall pay to the board the board's markup on spirituous liquor, and state liquor taxes as applicable, on such spirituous liquor, beer and wine so served or sold, in an amount to approximate the revenue that would have been realized from such markup and taxes had such alcoholic beverages been purchased for use in the state.

(4) ((~~Holders of Class CCI-3 or Class CCI-4 licenses as provided in said chapter 245, Laws of 1975 1st ex. sess., are not authorized to serve or sell at retail spirituous liquor, beer or wine for passenger consumption within or over the territorial limits of the state, and are not subject to the provisions of subsection (3) of this section.~~

(5)) Licensed beer and wine importers and ((~~wholesalers~~) distributors) who sell beer or wine to such properly licensed interstate commercial common passenger carriers shall treat such sales as exports from the state. Such importers and ((~~wholesalers~~) distributors) who have paid the taxes imposed by RCW 66.24.290 or 66.24.210 on beer or wine so sold may claim refund of the taxes under procedures set forth in WAC 314-20-010 or 314-24-110, as applicable.

AMENDATORY SECTION (Amending Order 265, Resolution No. 274, filed 10/5/88)

WAC 314-30-010 Sales by manufacturers. (1) Manufacturers licensed in accordance with RCW 66.24.150 may sell within the state:

(a) Spirituous liquor only to the board or to an authorized vendor of the board;

(b) Wine products only to ((~~wholesalers~~) distributors) licensed in accordance with RCW 66.24.200;

(c) Beer products only to beer certificate of approval holders as authorized by RCW 66.24.270 who also hold an importer's license as authorized by RCW 66.24.260; or

(d) To permit holders as authorized by Title 66 RCW.

(2) The first wine ((~~wholesaler~~) distributor) or beer certificate of approval holder with a beer importer's license to receive wine or malt beverages from a distiller, rectifier, or bottler shall be liable for the taxes due.

(3) Manufacturers selling wine or malt beverage products will be considered a supplier and will be required to meet the requirements of WAC 314-24-200 and 314-20-105 respectively.

(4) Manufacturers selling wine to a licensed wine ((~~wholesaler~~) distributor) or beer to a licensed beer certificate of approval holder who also has a beer importer's license shall file monthly reports with the board on forms prescribed by the board showing the quantity of liquor shipped to each above referenced licensee during the preceding month. Such report shall be submitted on or before the twentieth day of the month following the month of sale or delivery.

(5) Failure to make such report at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the manufacturer. When the twentieth day of any month falls on a Sunday, or a legal holiday, the report may be filed not later than the close of business the next business day.

AMENDATORY SECTION (Amending Order 131, Resolution No. 140, filed 11/30/83)

WAC 314-37-010 Liquor sales in Indian country—Appointment of tribal liquor vendors—Qualifications. (1) The Washington state liquor control board deems it necessary and advisable to adopt this rule for the following reasons:

(a) The decision of the United States Supreme Court in the case of *Rice v. Rehner* (filed July 1, 1983) has established that the state of Washington has licensing jurisdiction over tribal liquor sales in Indian country and that those sales, when made in conformity with federal law, are subject to both tribal and state liquor regulatory requirements.

(b) It is contrary to state law (see chapter 66.44 RCW) for purchasers of Indian liquor to remove that liquor from the reservation and into the state of Washington in those instances where the tribal liquor sellers are not authorized by the board to sell liquor.

(2) Accordingly, pursuant to RCW 66.08.050(2), the Washington state liquor control board will appoint qualifying Indian tribes, which have entered into negotiated business agreements with the board, as liquor vendors which will authorize those vendor tribes to sell liquor by the bottle to such persons, firms or corporations as may be sold liquor from a state liquor store. All such appointments will be subject to the following conditions:

(a) The tribe must enter into a business agreement with the Washington state liquor control board for the purchase and sale of liquor which will insure that the state's control over liquor traffic will be maintained while taking into consideration the unique nature of a tribal liquor vendor operation.

(b) The tribe must purchase all of its spirituous liquor for resale in Indian country from the board at a negotiated price: *Provided*, That a quota of spirituous liquor will be sold by the board each year to the vendor tribe without the payment of state taxes, which quota shall be negotiated between the board and the qualified tribes and approved by the department of revenue.

(c) The tribe must have in force a tribal ordinance governing liquor sales, which ordinance must have been certified by the Secretary of the Interior and published in the Federal Register as required by 18 U.S.C. §1161.

(d) The tribe must make all liquor sales in Indian country in conformity with both state and federal law.

(3) Should a tribe which has been appointed as a liquor vendor pursuant to this section fail to comply with all the above enumerated conditions, which shall be construed as continuing requirements to maintain the status of liquor vendor, the appointment of that tribe as a liquor vendor may be revoked by the board.

(4) A tribe, whether or not it has status as an Indian liquor vendor, which desires to sell beer and wine purchased from a licensed ~~((wholesaler))~~ distributor must obtain state licenses for the sale of beer and wine and must abide by all state laws and rules applicable to sale of beer and wine by state licensees. Tribes selling beer and wine shall collect and remit to the state department of revenue the retail sales tax imposed by RCW 82.08.020 on retail sales of beer and wine to nontribal members.

(5) "Indian country" as used herein shall have the meaning ascribed to it in Title 18 U.S.C. §1151 as qualified by Title 18 U.S.C. §1154 as of July 1, 1983.

AMENDATORY SECTION (Amending Order 271, Resolution No. 280, filed 12/8/88)

WAC 314-44-005 Agent's license required—Eligible employers defined—Certain classes limited—Bona fide entity defined—Prohibited practices. (1) No person shall canvass for, solicit, receive or take orders for the purchase or sale of any liquor, or act as the agent for the purchase or sale of liquor, nor contact any licensees of the board in goodwill activities, unless such person is holder of an agent's license as provided in RCW 66.24.310, and this regulation.

(2) An agent's license may be issued to the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a beer ~~((wholesaler's))~~ distributor's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine ~~((wholesaler's))~~ distributor's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine. A person, firm, or corporation so qualified, is herein defined to be an eligible employer. Such employer shall apply to the board for such an agent's license for his accredited representatives on application forms prescribed and furnished by the board.

(3) Every firm which applies for an agent's license under the provisions of this section shall furnish the board with satisfactory proof that such firm is in fact a bona fide business entity.

(4) Only the licensed agent of a distiller, manufacturer, importer, or distributor of spirituous liquor may contact retail licensees in goodwill activities when such contacts pertain to spirituous liquor products.

(5) No distiller, manufacturer, importer, ~~((wholesaler or))~~ distributor of liquor, or agent thereof, shall solicit either in person, by mail or otherwise, any liquor vendor or employee of the board, except the purchasing agent thereof, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise.

(6) No distiller, manufacturer, importer, ~~((wholesaler or))~~ distributor of liquor, or agent thereof, shall visit any state liquor store or agency for the purpose of exerting influence on employees for sales promotion or to secure information regarding inventory or any other matter relating to sales. They may deliver, or have delivered, and assemble where required, consumer offers and display material that have been approved by the board or its designee. Violation of this section will result in a penalty against all company items, which in appropriate cases could mean a partial or total delisting of those items.

(7) No distiller, manufacturer, importer, ~~((wholesaler,))~~ or distributor of liquor, or agent thereof, shall give or offer to any employee of the board any entertainment, gratuity or other consideration for the purpose of inducing or promoting the sale of merchandise.

(8) No distiller, manufacturer, importer, ~~((wholesaler,))~~ or distributor, or agent thereof, shall allow, pay or rebate, directly or indirectly, any cash or merchandise to any retail licensee to induce or promote the sale of liquor, including the

payment of tips to such licensees or their employees and the purchasing of drinks "for the house." Such persons, firms and licensees must operate in conformity with WAC 314-12-140, RCW 66.28.010, 66.28.040, and other applicable laws and rules.

(9) Upon the infraction of any law or regulation by any distiller, manufacturer, importer, (~~wholesaler~~) distributor, or agent, the board may, in addition to imposing other penalties as prescribed by law, remove such firm's products from the sales list of the board, and/or prohibit the sale of any brand or brands of beer or wine involved as provided in RCW 66.28.030.

(10) Upon the termination of the employment of a licensed agent, his employer shall immediately notify the board and with such notice return to the board the agent's license issued to such person.

AMENDATORY SECTION (Amending Order 165, Resolution No. 174, filed 9/12/85)

WAC 314-45-010 Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures. Activities pursuant to RCW 66.20.010 (8), (9), a manufacturer, importer, (~~wholesaler~~) distributor, or agent thereof, may serve or donate liquor without charge to delegates and guests at a bona fide convention of a trade association composed of licensees of the board, subject to conditions set forth in this regulation.

(1) For the purposes of this section a "convention" is defined as a bona fide session or assembly of the general membership of a trade association composed of licensees of the board.

(2) Such manufacturer, importer, (~~wholesaler~~) distributor, or agent thereof, must hold a special permit issued by the board to engage in such an activity at such convention. The fee for each such special permit shall be \$25.00. Application for such permit shall be submitted on a form prescribed by the board. The statutory permits applicable to such activities are:

(a) A special permit provided for in RCW 66.20.010(8) which authorizes the holder thereof to serve liquor without charge to delegates and guests in a hospitality room or from a booth in a board-approved suppliers' display room at such convention.

(b) A special permit provided for in RCW 66.20.010(9) which authorizes the holder thereof to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at such convention.

(3) Any liquor served or donated as provided herein is authorized only for consumption within a specific area designated on an application for permit and approved by the board.

(4) A special permit holder who serves or donates any beer or wine on which state taxes have not been paid, must file a report of the quantity so served or donated and remit the amount of the taxes to the board, in conformity with RCW 66.20.010 (8), (9).

(5) Any spirituous liquor served or donated shall be purchased from the board or a (~~Class H~~) spirit, beer and wine restaurant licensee.

AMENDATORY SECTION (Amending Order 191, Resolution No. 200, filed 7/16/86)

WAC 314-52-005 Purpose and application of rules.

(1) PREAMBLE: The purpose of this title is to provide reasonable regulations as to the kind, character and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a producer, manufacturer, bottler, importer, (~~wholesaler~~) distributor, or retailer of liquor, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any media any advertisement of liquor, unless such advertisement is in conformance with these rules: *Provided*, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, (~~wholesaler~~) distributor, or retailer of liquor, directly or indirectly, or through an affiliate.

(3) The board holds each producer, manufacturer, bottler, importer, (~~wholesaler~~) distributor, or retailer of liquor responsible for complying with the advertising rules of the Washington state liquor control board in any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to publication for an advisory opinion by the advertising coordinator of the Washington state liquor control board, but advisory opinions will be restricted to advertising material submitted by said producers, manufacturers, bottlers, importers, (~~wholesalers~~) distributors, or retailers of liquor, or their agents.

(4) Liquor advertising materials, defined as institutional or educational advertising in WAC 314-52-015, intended for placement in retail outlets of the Washington state liquor control board shall be presented to the advertising coordinator of the Washington state liquor control board for prior approval before placement: *Provided, however*, That all other forms of advertising approved by the board advertising coordinator and which are acceptable to the board merchandising committee under the provisions of WAC 314-52-040 shall not be prohibited under this rule.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/1/82)

WAC 314-52-010 Mandatory statements. (1) Brand advertising of spirituous liquor by any manufacturer shall contain the following information:

(a) The name and address of the manufacturer responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required by federal regulations to appear on the label of the product.

(c) A statement of the alcoholic content by proof, except that for cordials and liqueurs, gin fizzes, cocktails, highballs, bitters and other specialties, the alcoholic content may be stated in percentage by volume or by proof.

(d) In the case of distilled spirits (other than cordials, liqueurs and specialties) produced by blending or rectification, if neutral spirits have been used in the production

thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled.

(e) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled.

(2) Brand advertising of wine by any manufacturer or ((~~wholesaler~~)) distributor shall contain the following information:

(a) The name and address of the manufacturer or ((~~wholesaler~~)) distributor responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class, type or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation which is required by federal regulation to appear on the label of the product.

(3) Brand advertising of malt beverages by any manufacturer, importer, or ((~~wholesaler~~)) distributor shall contain the following information:

(a) The name and address of the manufacturer, importer or ((~~wholesaler~~)) distributor responsible for publication of the advertisement. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required by federal regulations to appear on the label of the product.

(4) Alcoholic content of beer. Retail licensees who choose to offer beer for sale at both less than four percent by weight and more than four percent by weight, alcoholic content, packaged in identical packages, shall be required to separate the two strengths of beer in their displays, and shall be required to identify by point-of-sale advertising which is the higher strength and which is the lower strength beer. Manufacturers, importers and ((~~wholesalers~~)) distributors of such beer shall supply such shelf tickets free of charge to retail licensees: *Provided, however*, That no promotion of the higher alcoholic content shall be included in such advertising.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-040 Contests, competitive events, premiums and coupons. Liquor advertisements may offer consumers premiums or prizes, upon completion of any coupon, contest, or competitive event, which may or may not require proof of purchase of the advertised product: *Provided, however*, That contests or sweepstakes that offer prizes or premiums to consumers through a game of chance or random drawing, shall not require proof of purchase, and must comply with the requirements of RCW 9.46.020(14) regarding lotteries: *And provided further*, That no liquor advertisements by manufacturers, importers, or ((~~wholesalers~~)) distributors may offer any premium or prize redeemable through a Washington state liquor store or any retail liquor outlet licensed by the state of Washington.

AMENDATORY SECTION (Amending Order 191, Resolution No. 200, filed 7/16/86)

WAC 314-52-070 Outdoor advertising. (1) "Outdoor advertising" by manufacturers, importers, ((~~wholesalers~~)) distributors, and retail licensees for these purposes shall include all signs visible to the general public, whether permanent or temporary, advertising the sale and service of liquor (excluding point-of-sale brand signs, which are defined and governed as otherwise provided in WAC 314-52-113) as well as trade name and room name signs.

(2) Outdoor signs shall be designed, installed, and used in a manner not offensive to the public, and shall comply with all liquor advertising rules. These rules include, but are not limited to:

(a) WAC 314-52-015(1), which:

(i) Prohibits any statement or illustration that is false or misleading in any material particular;

(ii) Prohibits any statement, picture or illustration which promotes overconsumption;

(iii) Prohibits any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.

(b) WAC 314-52-110(1), which requires that every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall mean the "licensed trade name" as it appears on the issued license.

(3) Prior board approval is not required before installation and use of outdoor signs/advertising; however, outdoor signs/advertising (excluding outdoor readerboard messages and/or interior signs visible through a window of a premises) not in compliance with board rules will be required to be altered or removed at the licensee's expense. If prior approval is desired, the licensee, applicant or their agent may submit three copies to the board advertising coordinator for approval.

(4) No outdoor advertising of liquor shall be placed in proximity to schools, churches, or playfields used primarily by minors, where administrative body of said schools, churches, playfields, object to such placement, nor any place which the board in its discretion finds contrary to the public interest.

AMENDATORY SECTION (Amending WSR 93-11-028, filed 5/10/93, effective 6/10/93)

WAC 314-52-080 Novelty advertising. (1) Novelty advertising items shall include, but shall not be limited to, trays, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, wearing apparel, mugs, glasses, knives, lamp shades, or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, ((~~wholesaler~~)) distributor, or importer, or employee thereof, shall provide without charge, directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept without charge any liquor novelty advertising

items directly or indirectly, from any manufacturer, (~~wholesaler~~) distributor, or importer, or employee thereof.

(3) A manufacturer, (~~wholesaler~~) distributor, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The price thereof shall be not less than the manufacturer's, importer's, or (~~wholesaler's~~) distributor's cost of acquisition. In no event shall credit be extended to any retail licensee. The purchase by retail licensees of such items shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

(4) A manufacturer, importer, or (~~wholesaler~~) distributor who sells novelty advertising items to retail licensees shall keep on file the originals or copies of all sales slips, invoices, and other memoranda covering all purchases of novelty advertising items from the supplier or manufacturer of such items and shall also keep on file a copy of all invoices, sales slips, or memoranda reflecting the sales to licensees or other disbursement of all novelty advertising items. Such records shall be maintained in a manner satisfactory to the board and must be preserved in the office of the manufacturer, importer, or (~~wholesaler~~) distributor for a period of at least two years after each purchase or sale. Any manufacturer which does not maintain a principal office within the state shall, when requested, furnish the above required records at a designated location within the state for review by the board.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-085 Programs and program folders. Programs and program folders, for the purpose of this section, shall mean brochures for use at sporting arenas which have, as a part of their operations, whether directly or indirectly, a retail licensed premises. No manufacturer, importer, (~~wholesaler~~) distributor, or their agent, shall provide, without cost, directly or indirectly, programs or program folders for retail licensees: *Provided, however*, That sporting arenas as described above, or their agents may accept bona fide liquor advertising from manufacturers, importers, (~~wholesalers~~) distributors or their agents, for publication in the program or program folder of the sporting arena: *Provided further*, That such advertising is paid for by said manufacturer, importer, (~~wholesaler~~) distributor or their agent at the published advertising rate for all program or program folder advertisers, including nonliquor advertisers: *And also provided*, That such advertising shall carry with it no express or implied offer on the part of the manufacturer, importer, (~~wholesaler~~) distributor or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-090 Advertising sponsored jointly by retailers and manufacturers, importers, or (~~wholesalers~~) distributors, prohibited. (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or (~~wholesaler~~) distributor. The brand name of liquor may appear in or as a part of advertising by a retail licensee: *Provided*, That such advertising is upon the retail licensee's free initiative and no moneys or moneys' worth has been offered the retail licensee as an inducement to secure such mention by any manufacturer, importer, or (~~wholesaler~~) distributor or their agent, or solicited by the retail licensee or his agent.

(2) RCW 66.28.010 shall also apply to joint advertising insofar as it is relevant.

AMENDATORY SECTION (Amending Order 132, Resolution No. 141, filed 11/23/83)

WAC 314-52-110 Advertising by retail licensees. (1) Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall be defined as the "licensed trade name" as it appears on the license issued to the licensee: *Provided, however*, That such words as tavern, cafe, grocery, market, food store, food center, delicatessen, wine shop, beer parlor and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees of the same trade name, shall neither be required nor prohibited as part of the trade name in advertisements: *And provided further*, That advertisements by public (~~Class H~~) spirit, beer and wine restaurant licensees may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room if both are in the same room.

(2) No retail licensee shall offer for sale any liquor for on premises consumption under advertising slogans such as "two for the price of one," "two for one drinks," "buy one—get one free," "two for \$ _____," nor any similar phrase or slogan where the express or implied meaning is that a customer, in order to receive a reduced price, would be required to purchase more than one drink or quantity of liquor at one time.

AMENDATORY SECTION (Amending Order 199, Resolution No. 208, filed 9/10/86)

WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises. Manufacturers, importers or (~~wholesalers~~) distributors may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the respon-

sibility of, the manufacturers, importers or ((~~wholesalers~~)) distributors.

(2) The term "point-of-sale material" as used herein, shall include such manufacturer, importer or ((~~wholesaler~~)) distributor-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers, matches, scorecards, calendars, and other such brand advertising material for display at the point of sale.

(3) Giant inflatables, such as inflated beer cans, bottles, animals, and banners may be provided as point-of-sale by manufacturers, importers, or ((~~wholesalers~~)) distributors to retailers for display purposes on their property, provided the following conditions are met:

(a) All retail licensees are afforded equal opportunity to display item;

(b) Novelty items as defined in WAC 314-52-080 are not provided by manufacturers, importers, or ((~~wholesalers~~)) distributors to customers in conjunction with the display;

(c) The display shall be removed if objected to by local officials, or if the board, in its discretion, finds it contrary to the public interest.

(4) Animal mascots and costumed individuals representing beer, wine, or liquor manufacturers may be provided as point-of-sale by manufacturers, importers, or ((~~wholesalers~~)) distributors to retailers for display and promotion purposes on their property, provided the following conditions are met:

(a) The costumed individual is limited to the manufacturer, importer, ((~~wholesaler~~)) distributor, or employee thereof and the costumed individual's activities on-premises are limited to socializing with customers and not conducting any activity that the retail licensee would otherwise have to assign employees to;

(b) All retail licensees are afforded equal opportunity for such displays;

(c) Novelty items as defined in WAC 314-52-080 and including the purchase of drinks, are not to be provided to customers by the costumed individual in conjunction with such displays;

(d) The costumed individual must comply with the regulations regarding lewd and obscene conduct (WAC 314-16-125);

(e) If the board finds it contrary to the public interest, it may prohibit the use of the above-mentioned activities.

AMENDATORY SECTION (Amending WSR 94-06-022, filed 2/22/94, effective 3/25/94)

WAC 314-52-115 Advertising by clubs—Signs. (1) Clubs shall not engage in any form of soliciting or advertising which may be construed as implying that the club operates a public ((Class H)) spirit, beer and wine restaurant premises, a tavern open to the public, or that social functions at which club liquor may be consumed, are open to the public: *Provided, however,* Circularizing membership shall not be considered advertising, and where clubs provide lunch or dinner to the public, this may be advertised: *Provided further,* Such advertising must specify no liquor service is available.

(2) Clubs and/or their auxiliary organizations may advertise social or other club events to their membership

through the public media: *Provided,* Such advertising is clearly directed to their membership only and cannot be construed as implying that the general public is welcome to attend.

(3) Advertising of the club functions by means of placards placed for public viewing shall be governed by the provisions of subsection (2) of this section.

(4) Advertising may be directed to the public generally in connection with events of special public interest such as Flag Day, Memorial Day, Veterans Day or such other occasions, under provisions set forth in WAC 314-40-080(3).

(5) Clubs desiring to have radio or television broadcasts originating from their licensed premises may do so: *Provided,* That such broadcasts consist only of entertainment or other matter which is in the public interest and may not contain any announcement of opening or closing hours, any invitation to visit the club, or any statement which may be construed as advertising or any implication that the club is operated as a public place. The only reference to the club during such broadcasts shall be limited to a statement at the opening and closing of the program as originating from the club quarters.

WSR 98-18-104

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 98-17—Filed September 2, 1998, 11:30 a.m.]

Date of Adoption: September 2, 1998.

Purpose: The purpose of this rule is to correct typographical errors and amend Table 1 of WAC 173-160-201 Pipe wall thickness. The following sections of chapter 173-160 WAC have been amended as follows: WAC 173-160-111, definition (1) "Abandoned well" by replacing the word "or" with "and"; amend Table 1 of WAC 173-160-201 (see final language shown below); amend WAC 173-160-291 subsection (6) by changing "adaptor" to "adapter"; amend WAC 173-160-420 by renumbering subsections (10)-(15); amend WAC 173-160-460 subsection (1) by placing a comma after the word "missing"; and amend WAC 173-160-990 Figure (1A), Figure 3, and Figure 7 (see final language shown below).

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: Chapter 18.104 RCW.

Adopted under notice filed as WSR 98-14-075 on June 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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

September 1, 1998

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-111 What are the definitions of specific words as used in this chapter? (1) "Abandoned well" means a well that is unused, unmaintained, ((~~or~~)) and is in such disrepair as to be unusable.

(2) "Access port" is a 1/2- to 2-inch tapped hole or tube equipped with a screw cap, which provides access to the inner casing, for measurement of the depth to water surface. An access port also means a removable cap.

(3) "Annular space" is the space between the surface or outer casing and the inner casing, or the space between the wall of the drilled hole and the casing.

(4) "Aquifer" is a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Artesian well" is a well tapping an aquifer bounded above and below by confining or impermeable rock or soil layers, or rock or soil layers of distinctly lower permeability than the aquifer itself. The water will rise in the well above the point of initial penetration (above the bottom of the confining or impermeable layer overlying the aquifer). This term includes both flowing and nonflowing wells.

(6) "Artificial gravel pack" is a mixture of gravel or sand placed in the annular space around the liner, perforated pipe, or well screen. A gravel pack is used to reduce the movement of finer material into the well and provide lateral support to the screen in unstable formations.

(7) "Artificial recharge" is the addition of water to an aquifer by activities of man, such as irrigation or induced infiltration from streams, or injection through wells, trenches, pits, and ponds.

(8) "Bentonite" is a mixture of swelling clay minerals, predominantly sodium montmorillonite.

(9) "Capped well" is a well that is not in use and has a watertight seal or cap installed on top of the casing.

(10) "Casing" is a pipe, generally made of metal or plastic, which is installed in the bore hole to maintain the opening.

(11) "Consolidated formation" means any geologic formation in which the earth materials have become firm and cohesive through natural rock forming processes. Such rocks commonly found in Washington include basalt, granite, sandstone, shale, conglomerate, and limestone. An uncased bore hole will normally remain open in these formations.

(12) "Constructing a well" or "construct a well" means:

(a) Boring, digging, drilling, or excavating a well;
(b) Installing casing, sheeting, lining, or well screens, in a well; or

(c) Drilling a geotechnical soil boring.

"Constructing a well" or "construct a well" includes the alteration of an existing well.

(13) "Contamination" has the meaning provided in RCW 90.48.020.

(14) "Curbing" is a liner or pipe made of concrete, pre-cast tile or steel installed in dug wells to provide an annular space between the well bore and the liner or pipe for sealing.

(15) "Decommissioning" means to fill or plug a well so that it will not produce water, serve as a channel for movement of water or pollution, or allow the entry of pollutants into the well or aquifer(s).

(16) "Department" means the department of ecology.

(17) "Dewatering well" means a cased or lined excavation or boring that is intended to withdraw or divert ground water for the purpose of facilitating construction, stabilizing a land slide, or protecting an aquifer.

(18) "Director" means director of the department of ecology.

(19) "Disinfection" or "disinfecting" is the use of chlorine, or other disinfecting agent or process approved by the department, in sufficient concentration and contact time adequate to inactivate coliform or other indicator organisms.

(20) "Domestic water supply" is any water supply which serves a family residence(s).

(21) "Draw down" is the measured difference between the static ground water level and the ground water level induced by pumping.

(22) "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.

(23) "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground.

(24) "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

(25) "Filter pack" means clean, well rounded, smooth, uniform, sand or gravel, which is placed in the annulus of the well between the bore hole wall and the liner, perforated pipe, or well screen to prevent formation material from entering the well.

(26) "Formation" means an assemblage of earth materials grouped together into a unit that is convenient for description or mapping.

(27) "Ground water" means and includes ground waters as defined in RCW 90.40.035.

(28) "Grout" is a fluid mixture of cement, bentonite, and water used to seal the annular space around or between well casings, or to decommission wells.

(29) "Impermeable" is a descriptive term for earth materials which have a texture or structure that does not permit fluids to perceptibly move into or through its pores or interstices.

(30) "Liner" means any device inserted into a larger casing, screen, or bore hole as a means of maintaining the structural integrity of the well.

(31) "Permeability" is a measure of the ease of which liquids or gas move through a porous material.

(a) For water, this is usually expressed in units of centimeters per second or feet per day. Hydraulic conductivity is a term for water permeability.

(b) Soils and synthetic liners with a water permeability of 1×10^{-7} cm/sec or less may be considered impermeable.

(32) "Pollution" has the meaning provided in RCW 90.48.020.

(33) "Pressure grouting" is a method of forcing grout into specific portions of a well for sealing purposes.

(34) "PTFE" means polytetrafluoroethylene casing materials such as teflon. The use of the term teflon is not an endorsement for any specific PTFE product.

(35) "Public water supply" is any water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, available to the public for human consumption or domestic use, excluding water supplies serving one single-family residence and a system with four or fewer connections, all of which serve residences on the same farm.

(36) "PVC" means polyvinyl chloride, a type of thermo-plastic casing.

(37) "Static water level" is the vertical distance from the surface of the ground to the water level in a well when the water level is not affected by withdrawal of ground water.

(38) "Temporary surface casing" is a length of casing (at least four inches larger in diameter than the nominal size of the permanent casing) which is temporarily installed during well construction to maintain the annular space.

(39) "Test well" is a well (either cased or uncased), constructed to determine the quantity of water available for beneficial uses, identifying underlying rock formations (lithology), and to locate optimum zones to be screened or perforated. If a test well is constructed with the intent to withdraw water for beneficial use, it must be constructed in accordance with the minimum standards for water supply wells, otherwise they shall be constructed in accordance with the minimum standards for resource protection wells. A water right permit, preliminary permit, or temporary permit shall be obtained prior to constructing a test well unless the anticipated use of water is exempt as provided in RCW 90.44.050. A "test well" is a type of "water well."

(40) "Tremie tube" is a small diameter pipe used to place grout, filter pack material, or other well construction materials in a well.

(41) "Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(42) "Unconsolidated formation" means any naturally occurring, loosely cemented, or poorly consolidated earth material including such materials as uncompacted gravel, sand, silt and clay.

Alluvium, soil, and overburden are terms frequently used to describe such formations.

(43) "Water well" means any excavation that is constructed when the intended use of the well is for the location, diversion, artificial recharge, observation, monitoring, dewatering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use.

tering or withdrawal of ground water for agricultural, municipal, industrial, domestic, or commercial use.

(44) "Water well contractor" means any person, firm, partnership, copartnership, corporation, association, or other entity, licensed and bonded under chapter 18.27 RCW, engaged in the business of constructing water wells.

(45) "Well alteration(s)" include(s): Deepening, hydrofracturing or other operations intended to increase well yields, or change the characteristics of the well. Well alteration does not include general maintenance, cleaning, sanitation, and pump replacement.

(46) "Well completion" means that construction has progressed to a point at which the drilling equipment has been removed from the site, or a point at which the well can be put to its intended use.

(47) "Well driller(s)" or "driller(s)" is synonymous with "operator(s)."

(48) "Well" means water wells, resources protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. Well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products.

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

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-201 What are the casing and liner requirements? (1) Proper casing must be installed in all water supply wells.

(2) The casing shall withstand normal forces which act upon it during and after installation. It shall be resistant to the corrosive effects of the surrounding formations, earth, and water.

(3) All plastic casing for use in potable water supply wells must be manufactured to conform to National Sanitation Foundation (NSF) Standard 14-84, or the most recent revision.

(4) Unless prior approval is obtained from the department, materials for well casings must be either steel casing as shown in Table 1 or plastic casing as shown in Table 2.

(5) Minimum specifications for steel casing and pipe for water wells are shown in Table 1.

(6) Steel casing larger than twenty inches shall have a minimum wall thickness of 0.375 inches.

TABLE 1
Minimum Specifications for Steel Casing and Pipe

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
1.25	1.660	0.140	2.27	0.500
1.5	1.900	0.145	2.72	0.750

PERMANENT

NOMINAL SIZE (inches)	OUTSIDE DIAMETER (inches)	WALL THICKNESS (inches)	WEIGHT PER FOOT (pounds)	TEST SECTION OUTSIDE DIAMETER (inches)
2.0	2.375	0.154	3.65	1.000
2.5	2.875	0.203	5.79	1.500
3.0	3.500	0.216	7.58	2.000
3.5	4.000	0.226	9.11	2.500
4.0	4.500	0.237	10.79	3.000
5.0	5.563	0.258	14.62	3.500
6.0	6.625	((0.280)) 0.250	((18.97)) 17.02	4.000
8.0	8.625	((0.322)) 0.250	((28.55)) 22.36	6.000
10	10.750	((0.365)) 0.250	((40.48)) 28.04	8.000
12	12.750	((0.375)) 0.250	((49.56)) 33.38	10.000
14	14.000	((0.375)) 0.312	((54.57)) 45.61	11.000
16	16.000	((0.375)) 0.344	((62.58)) 57.52	14.000
18	18.000	0.375	70.59	16.000
20	20.000	0.375	78.60	18.000
24	24.000	0.375	94.62	20.000
30	30.000	0.375	118.65	24.000

STEEL CASING

(7) All steel casing materials must be new or, in like new condition, and be structurally sound.

(a) Casing that has been exposed to a contaminant shall not be used in well construction unless the contamination can be entirely removed.

(b) When casing lengths are joined together, they must be connected by watertight weld or screw coupled joints.

(i) Welded joints must be at least as thick as the wall thickness of the well casing and be fully penetrating.

(ii) All steel well casing shall meet or exceed the minimum American Society for Testing and Materials (ASTM) A-53 A or B specification for steel pipe.

PLASTIC CASING

(8) Plastic, fiberglass, PVC, SR, ABS, or other type of nonmetallic well casing must be manufactured and installed to conform with ANSI/ASTM F 480-81, Standard Dimension Ratio (SDR) 21 or the most recent revision.

(a) SDR is calculated by dividing the outside diameter of the pipe by the wall thickness.

(b) SDR 21 is the minimum requirement; higher pressure rated pipe may be used.

(c) All plastic casing must be installed only in an oversized drill hole without driving. The oversized hole must be a diameter of at least 4 inches larger than the outside diameter of the plastic casing or coupling hubs, whichever is larger.

(d) All plastic casing must be new or, in like new condition and clearly marked by the manufacturer showing nominal size, type of plastic material, SDR, ASTM designation, and have a National Sanitation Foundation (NSF) seal of approval for use in potable water supplies.

(e) Casing that has been exposed to a contaminant shall not be used in well construction unless the construction can be entirely removed.

(f) Plastic casing joints must be watertight.

(i) Either "bell" type, threaded joints, or coupling hubs are approved.

(ii) Hub couplings must be of materials meeting the specifications for plastic casings as stipulated in subsection (2) of this section.

(iii) If joints are secured with solvent cement, it must be done in accordance with manufacturer's directions.

(g) Table 2 is the manufacturer's recommendations for specifications of plastic casing.

TABLE 2
Minimum Specifications for Plastic Casing

NOMINAL CASING DIAMETER (inches)	MINIMUM THICKNESS (inches)	SDR
2.0	0.13321	21
2.5	0.13721	21
3.0	0.16721	21
3.5	0.19021	21
4.0	0.21421	21
4.5	0.23621	21
5.0	0.26521	21
6.0	0.31621	21
8.0	0.41021	21
10	0.51121	21
12	0.60621	21

LINER PIPE

(9) Liner pipe must consist of steel, in new or like new condition, free of pits or breaks; or polyvinyl chloride (PVC), CPVC, type 1120, with SDR 21 (Class 200) or greater wall thickness. All PVC must be clearly marked to identify the type, class, and SDR.

(a) Liner pipe must be of sufficient strength to withstand breakage or collapse when the well is pumped and meet ASTM potable water standards.

(b) When installed, liner pipe shall extend or telescope at least two feet into the lower end of the well casing. If more than one string of liner pipe is installed, each string shall extend or telescope at least eight feet into the adjacent larger diameter liner pipe.

(c) Liner pipe may not be permanently fixed to a well casing below land surface.

CONCRETE CURBING

(10) The concrete used to make curbing must consist of clean, hard and durable aggregate with not less than five sacks (ninety-four pounds per sack) of portland cement per cubic yard of concrete.

PERMANENT

(a) The maximum diameter of aggregate particles may not exceed 1 1/2 inches, but in any case may not exceed 1/5 the minimum width of the casing thickness.

(b) The ratio of coarse aggregate to fine aggregate (passing No. 4 U.S. Standard Sieve) must be approximately 1 1/2 to 1 by volume, but in any case, may not exceed 2 to 1 nor be less than 1 to 2.

(11) The curbing shall be at least six inches thick and free of voids. The walls shall be poured in one continuous operation.

(12) When concrete tile is used to line a well, the combined total wall thickness and seal shall be a minimum of six inches.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-291 What are the standards for the upper terminal of water wells? (1) The watertight casing or curbing of any well shall extend at least six inches above the ground surface. Pit completion is prohibited.

(2) Where the site is subject to flooding, the top of the casing must be at least two feet above the estimated water level of a one hundred-year frequency flood.

(3) All wells shall be equipped with an access port that allows for the measurement of the depth to water surface, or with a pressure gage that indicates the shut-in pressure of a flowing artesian well. See Figure 6. The access ports and pressure gages or other openings in the cover are sealed or capped to prevent entrance of surface water or foreign material into the well.

(4) Any vent opening, observation ports or air-line equipment shall extend from the upper end of the well by watertight piping to a point at least six inches above land surface. The terminals of these facilities shall be shielded or sealed to prevent entrance of foreign matter or pollutants.

(5) A pitless adapter, or similar device is permitted on water wells if it is made with fittings approved by the department of health. The connection must be above static water level.

(6) Any person who removes any part of a surface seal to install a pitless (~~adapter~~) adapter shall repair the seal so that it is brought up to land surface.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-420 What are the general construction requirements for resource protection wells? (1) No resource protection well or soil boring excavation may be used for domestic, industrial, municipal, commercial, or agricultural purposes.

(2) No resource protection well or soil boring excavation may interconnect aquifers.

(3) Nested resource protection wells are prohibited.

(4) Cuttings, development water, and other investigation derived waste from resource protection well construction or geotechnical soil borings shall be managed in a manner consistent with the intent and purposes of the Water Pollution Control Act, chapter 90.48 RCW, the Hazardous Waste Man-

agement Act, chapter 70.105 RCW, and implementing regulations.

(5) Well tagging:

(a) It shall be the driller's responsibility to place a well identification tag with a unique identification number on every resource protection well that they construct or alter. Uncased geotechnical soil borings are exempt from the tagging requirements of this chapter.

(i) The alpha-numeric number shall be recorded on the drilling report in the space provided.

(ii) The driller shall remove the well identification tag on all resource protection wells they decommission and shall attach the tag to the decommissioning well report.

(b) It shall be the well owner's responsibility to place a well identification tag with a unique identification number on every resource protection well they own and which was completed prior to the effective date of this regulation.

(i) Upon request, the department shall furnish the well owner with a well tag and tagging instructions.

(ii) The well owner shall tag their well(s) and submit a completed tagging report to the department.

(c) The well tag shall be permanently attached to the outer well casing and be visible above land surface for all wells which have been completed above land surface. For wells completed below land surface, the well tag shall be attached to the well casing or to any permanent and protected portion of the vault.

(d) All well identification tags shall be supplied by the department.

(e) It is unlawful for a person to tamper with or remove a well identification tag except during well alteration.

(6) All resource protection wells will be sealed in accordance with this chapter regardless of the method of installation. Except, resource protection wells that are properly decommissioned prior to the removal of any drilling equipment from the well location are exempted from the surface sealing requirements of this chapter. Provided the decommissioning process includes the removal of any conduit, tubing, probe, or other items inserted into the ground.

(7) All geotechnical soil borings shall be decommissioned under the terms of this chapter.

(8) Except as provided in RCW 18.104.180, all construction, alteration, reconstruction, and decommissioning of resource protection wells and geotechnical soil borings shall be done by an individual licensed under the provisions of chapter 173-162 WAC.

(9) A notice of intent to construct or decommission a resource protection well and a geotechnical soil boring shall be filed with the department a minimum of seventy-two hours prior to initiating construction or decommissioning of the well(s) or boring(s). A fee must accompany each notice of intent to construct a resource protection well. The fee for constructing, altering, or reconstructing each resource protection well is forty dollars. Geotechnical soil borings are **EXEMPT** from all fees. Under some circumstances, it may be necessary to construct more resource protection wells or geotechnical soil borings than originally anticipated. When additional resource protection wells are constructed on a site for which a notice of intent and fee were submitted, a second notice and fee shall be submitted within twenty-four hours

after all wells have been completed or as soon as the final number of wells to be constructed is determined, whichever is sooner. When additional geotechnical soil borings are needed, the borings may be completed. A follow-up notice of intent shall be submitted to the department within twenty-four hours after all borings are constructed. Notification to construct multiple wells or geotechnical soil borings within the same quarter/quarter section, township, and range may be submitted on one notice form. A fee of forty dollars per well must be attached to each notice. Example: Six resource protection wells identified on one notice of intent would be submitted along with a two hundred forty dollar fee.

~~((9))~~ (10) Resource protection well and geotechnical soil boring drilling reports.

(a) Every well contractor is required to submit a complete report on the construction, alteration, or decommissioning of all resource protection wells and geotechnical soil borings they construct. Reports must be submitted to the department within thirty days after completion of construction, alteration, or decommissioning.

(b) This applies to all resource protection wells and geotechnical soil borings.

(c) The resource protection well and geotechnical soil boring report must be made on a form provided by the department, or a reasonable facsimile of the form, as approved by the department.

(d) Where applicable the report shall include the following information:

(i) Owner's name; operator/trainee name; operator/trainee license number; contractor registration number, drilling company name;

(ii) Tax parcel number;

(iii) Well location address;

(iv) Location of the well to at least 1/4, 1/4 section or smallest legal subdivision;

(v) Unique well identification tag number;

(vi) Construction date;

(vii) Start notification number;

(viii) Intended use of well;

(ix) The well depth, diameter, and general specifications of each well;

(x) Total depth of casing;

(xi) Well head elevation;

(xii) Drilling method;

(xiii) Seal material, seal location and type of placement used;

(xiv) Filter pack location; filter pack material used;

(xv) The thickness and character of each bed, stratum or formation penetrated by each well including identification of each water bearing zone;

(xvi) Casing gauge, diameter, stickup, type of material, and length, also of each screened interval or perforated zone in the casing;

(xvii) The depth to the static water level, as measured below the land surface; and

(xviii) Such additional factual information as may be required by the department.

(e) The well report must show the license number and signature of the person who constructed the well. If this is an unlicensed person, exempted under RCW 18.104.180(2), the

report shall show the license number and signature of the licensed individual who witnessed the drilling. Resource protection well reports for wells constructed by trainees shall have the signature and license number of the trainee and licensed operator.

What are the surface protection requirements?

~~((10))~~ (11) All resource protection wells shall be capped and protected using one of the following methods:

(a) If the well is cased with metal and completed above the ground surface, you must attach a watertight cap with a lock to the top of the casing.

(b) If the well is not cased with metal and completed above the land surface, you must install a protective metal casing over and around the well. The protective casing shall extend at least six inches above the top of the well casing and be cemented at least two feet into the ground. A cap with lock shall be attached to the top of the protective casing.

~~((11))~~ (12) You shall protect the well(s) completed above ground from damage by:

(a) Cementing three metal posts, at least three inches in diameter, in a triangular array around the casing and at least two feet from it. Each post shall extend at least three feet above and below the land surface.

(b) A reinforced concrete pad may be installed to protect against and prevent frost heave. If installed, the concrete pad shall extend to a depth equal to anticipated frost depth. When a concrete pad is used, the well seal may be part of the concrete pad.

~~((12))~~ (13) If the well is completed below land surface, a watertight cap with a lock shall be attached to the top of the well casing. A metal monument or equivalent shall be installed over and around the well. The monument shall serve as a protective cover and be installed level with the land surface and be equipped with a waterproof seal to prevent the inflow of any water or contaminants. Drains will be provided, when feasible, to keep water out of the well and below the well cap. The cover must be designed to withstand the maximum expected loading.

~~((13))~~ (14) The protective measures may be waived or modified upon written approval from the department (a variance).

~~((14))~~ (15) If the well is damaged, the well protection measures and casing shall be repaired to meet the requirements of this chapter. If the well is damaged beyond repair, it shall be decommissioned in accordance with WAC 173-160-460.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-460 What is the decommissioning process for resource protection wells? (1) Resource protection wells that were not constructed in accordance with these regulations, or for which a drilling report required under this section is missing, shall be decommissioned in one of the following ways:

(a) Perforate the casing from the bottom to land surface and pressure grout the casing.

PERMANENT

(i) Perforations shall be at least four equidistant cuts per row, and one row per foot. Each cut shall be at least one and one-half inches long.

(ii) Apply enough pressure to force the sealing material through the perforations, filling any voids on the outside of the casing.

(iii) The remainder of the casing shall be filled with cement grout, neat cement, or bentonite slurry.

(b) Withdraw the casing and fill the bore hole with cement grout, neat cement, or bentonite as the casing is being withdrawn.

(2) If it can be verified through a field examination and review of the drilling report that the resource protection well was constructed in accordance with these regulations, it shall be decommissioned by:

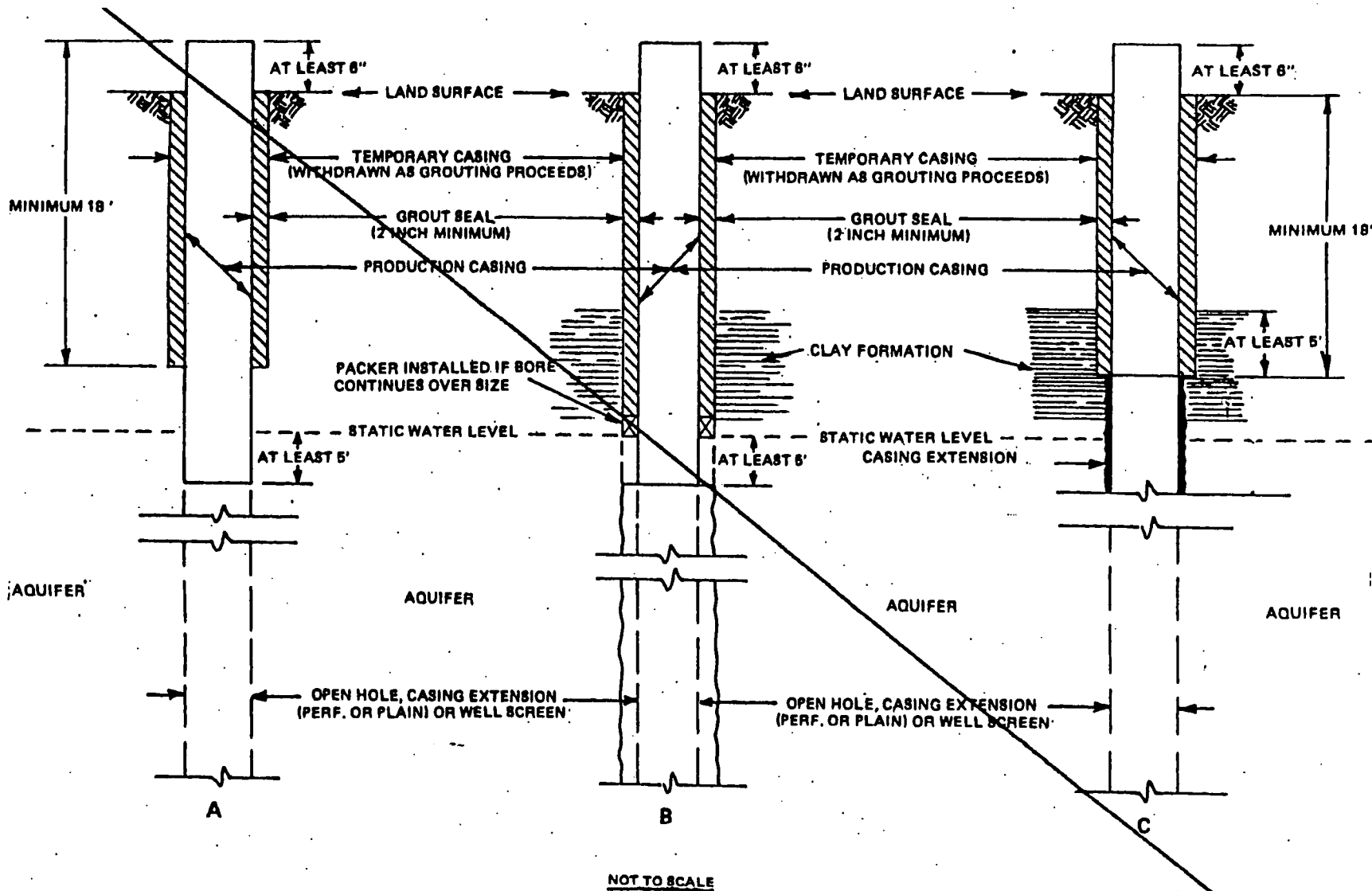
(a) Filling the casing from bottom to land surface with bentonite, cement grout, or neat cement; and

(b) Placing a cap on the casing.

AMENDATORY SECTION (Amending Order 97-08, filed 3/23/98, effective 4/23/98)

WAC 173-160-990 Well construction illustrations.

Permanent



[460]

Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS

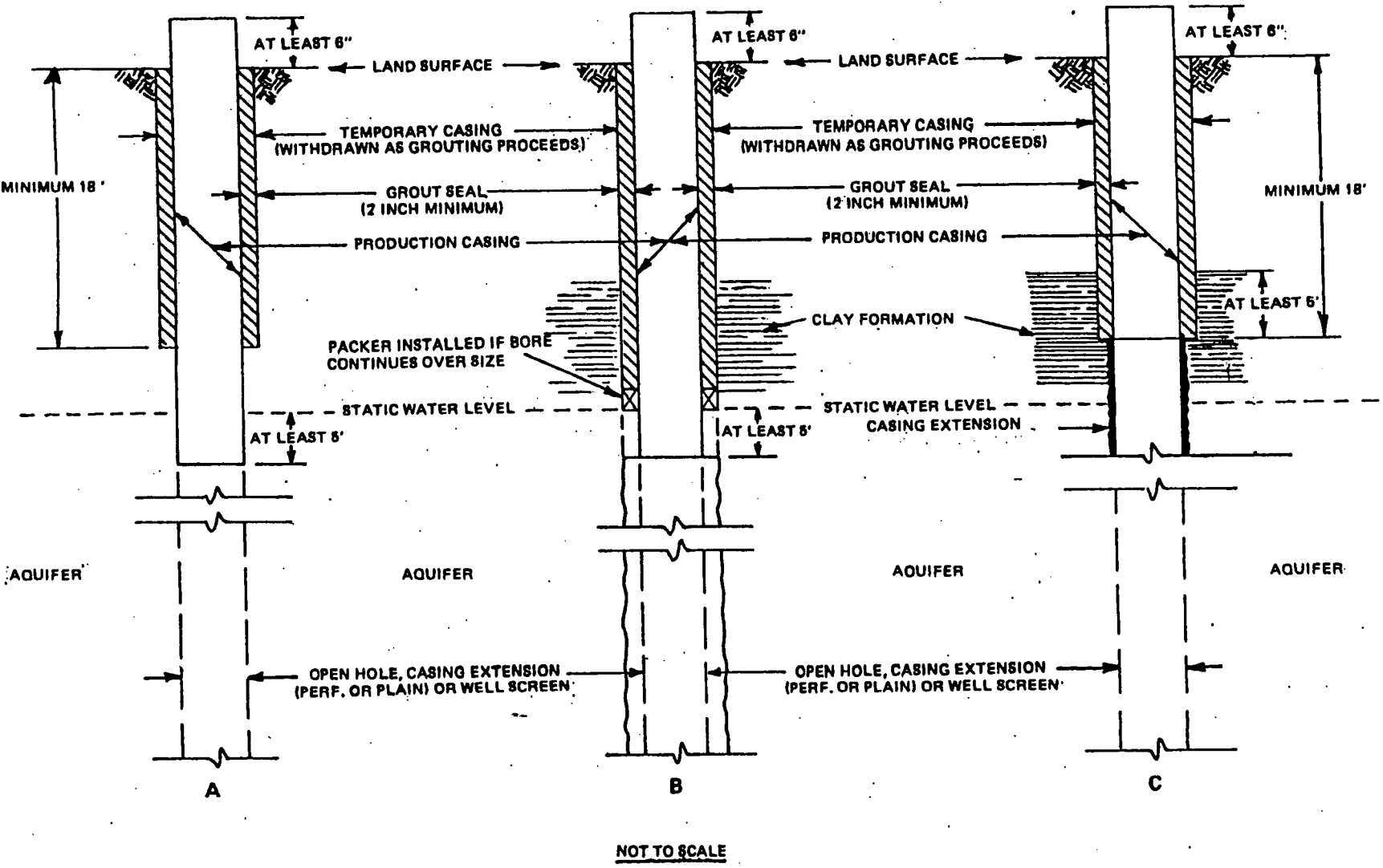


Figure 1. SEALING OF UNCONSOLIDATED FORMATIONS

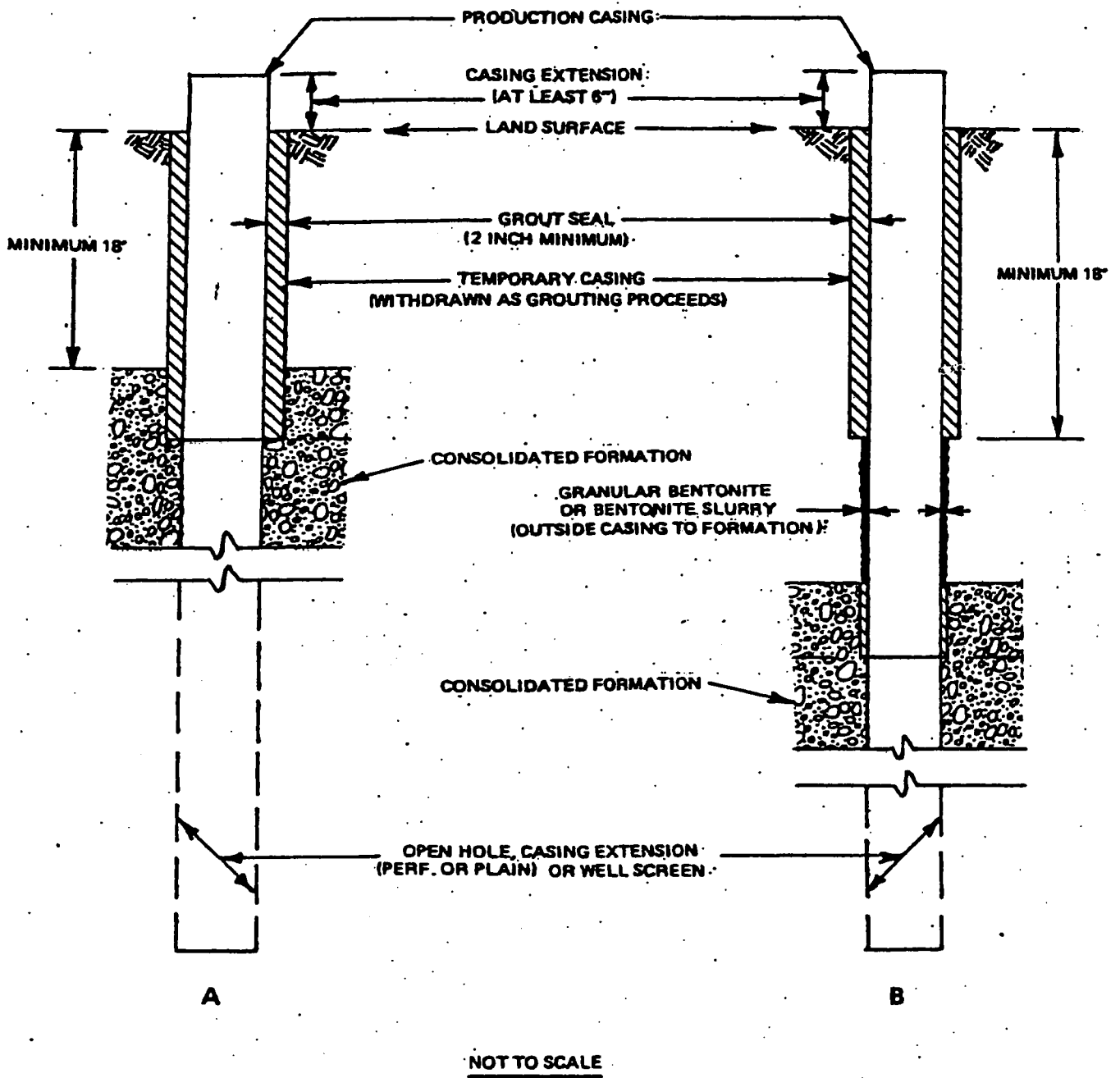
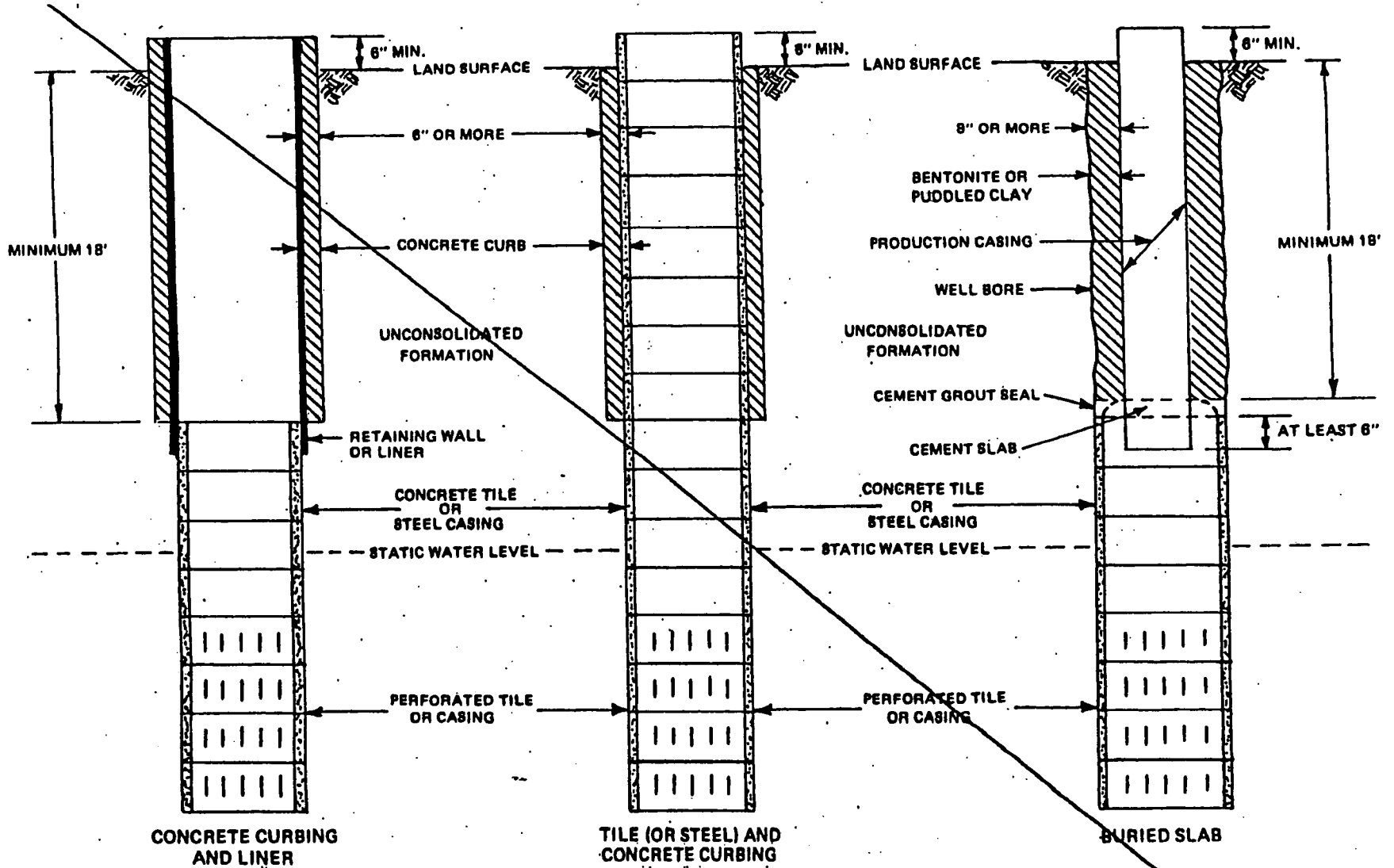


Figure 2. SEALING OF CONSOLIDATED FORMATIONS.

[463]

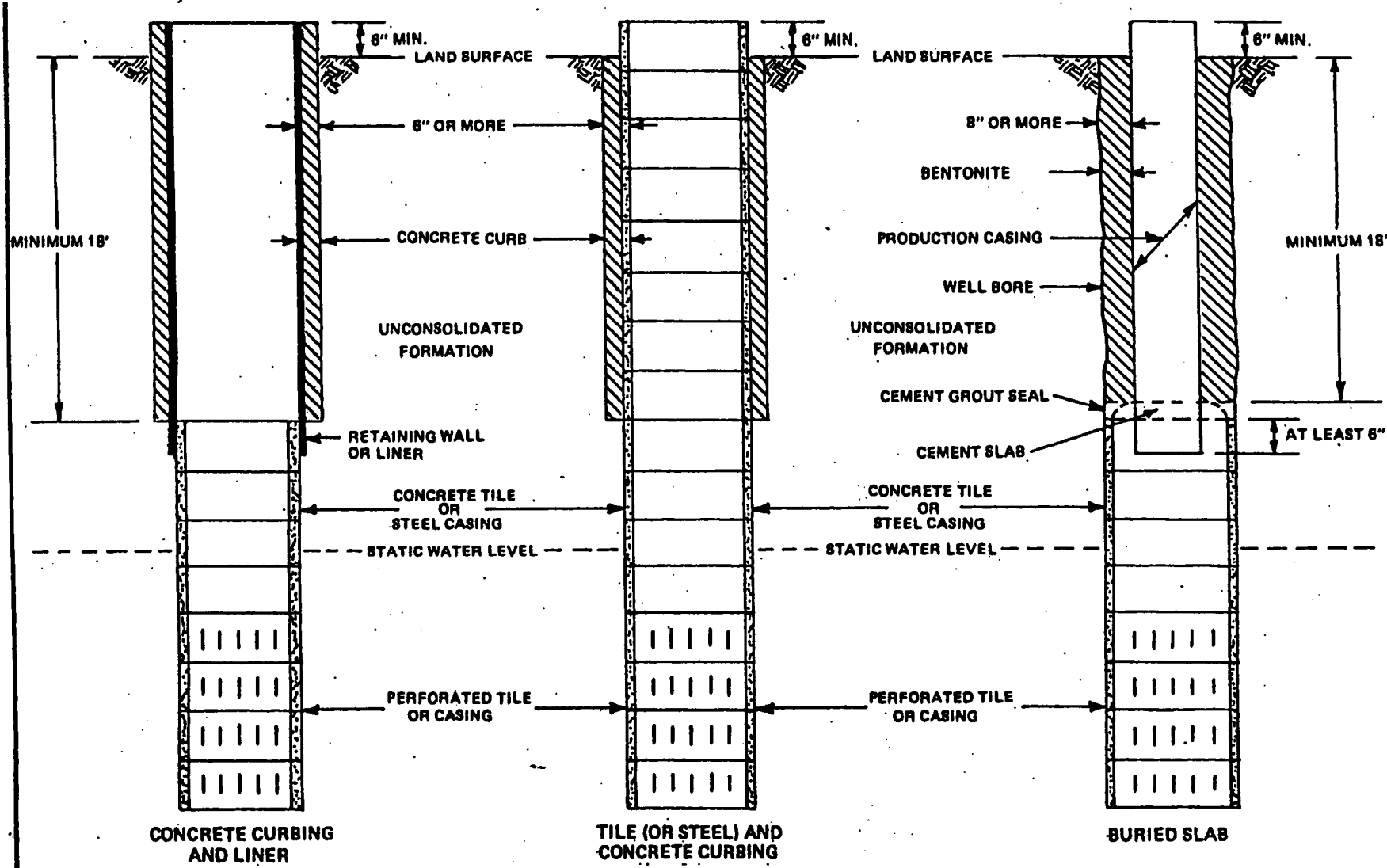


NOT TO SCALE

Figure 3. SEALING OF DUG WELLS

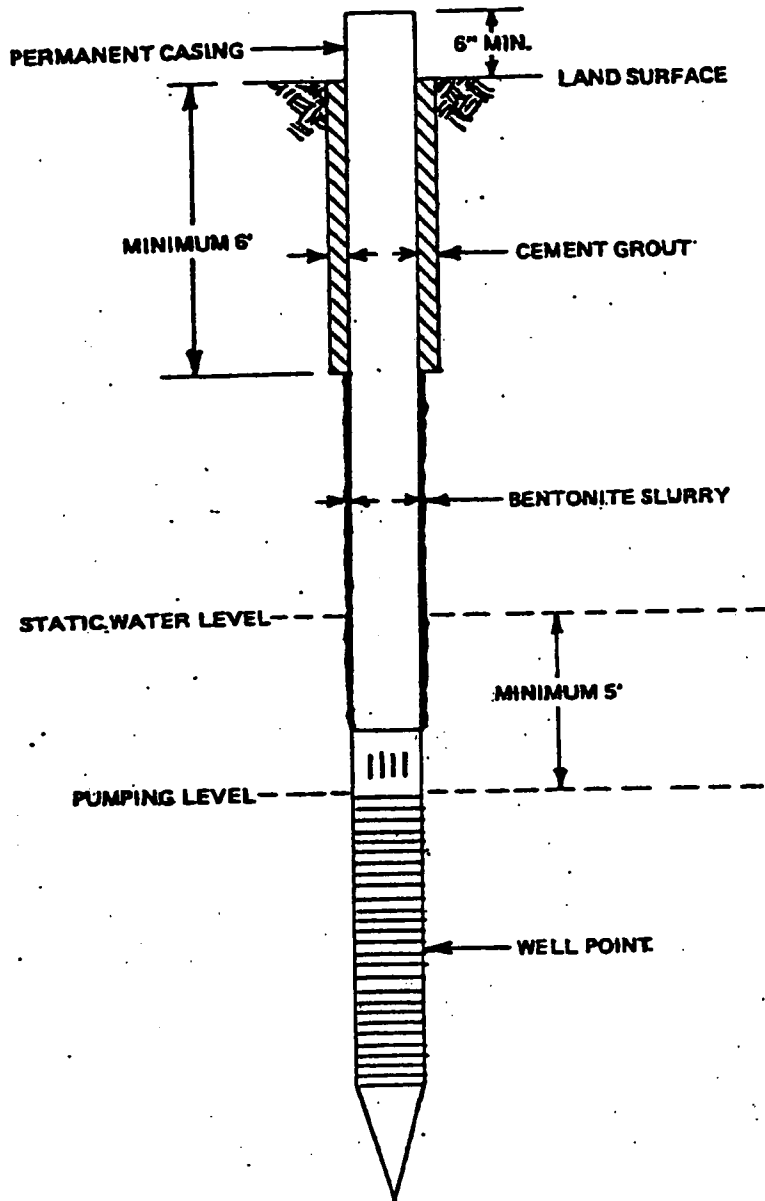
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PERMANENT



NOT TO SCALE

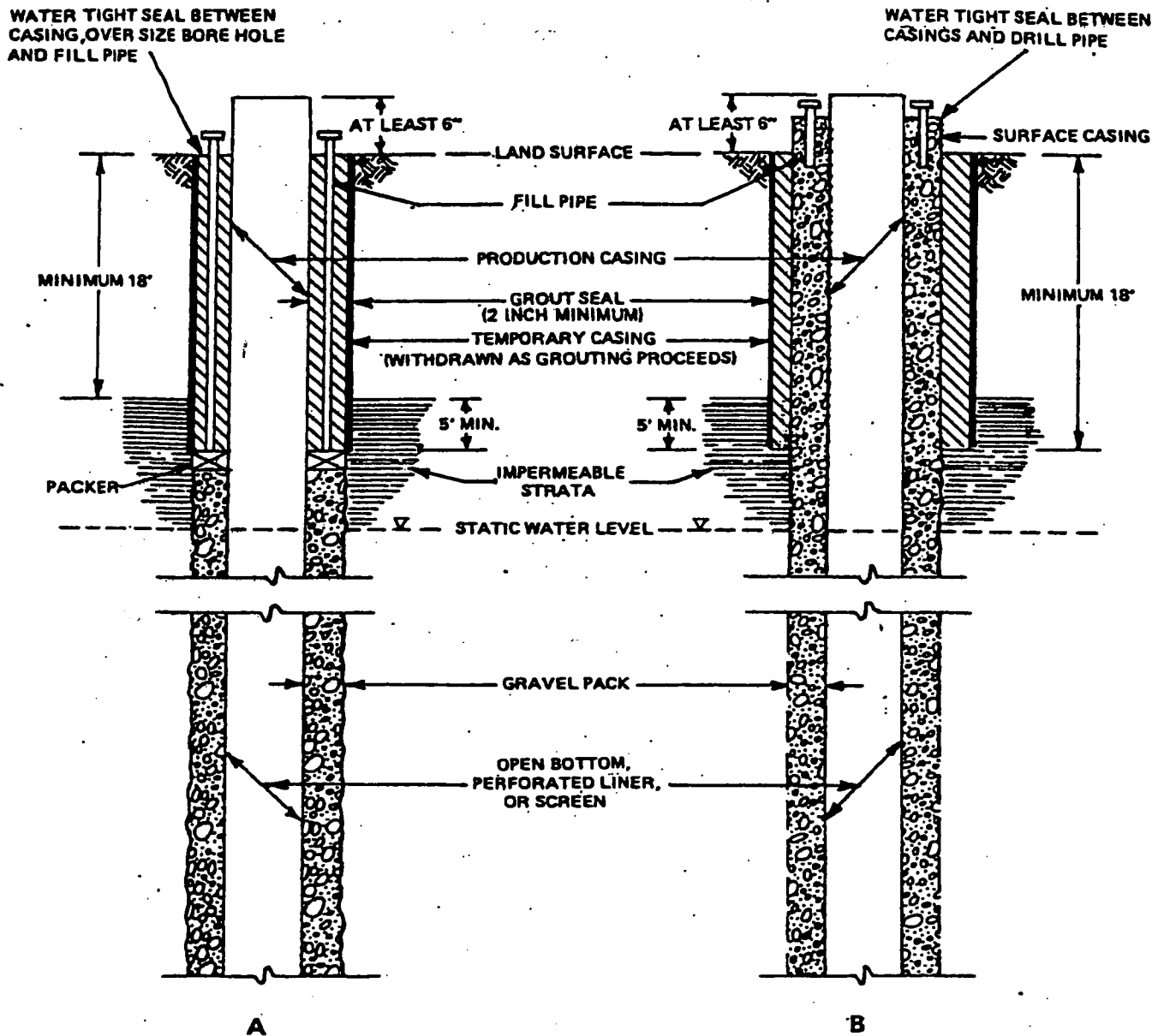
Figure 3. SEALING OF DUG WELLS



NOT TO SCALE

Figure 4. SEALING OF DRIVEN AND JETTED WELLS .

PERMANENT



NOT TO SCALE

A—WELL CONSTRUCTED WITH TEMPORARY SURFACE CASING.

B—WELL CONSTRUCTED WITH PERMANENT SURFACE CASING.

Figure 5. SEALING OF GRAVEL-PACKED WELLS

PERMANENT

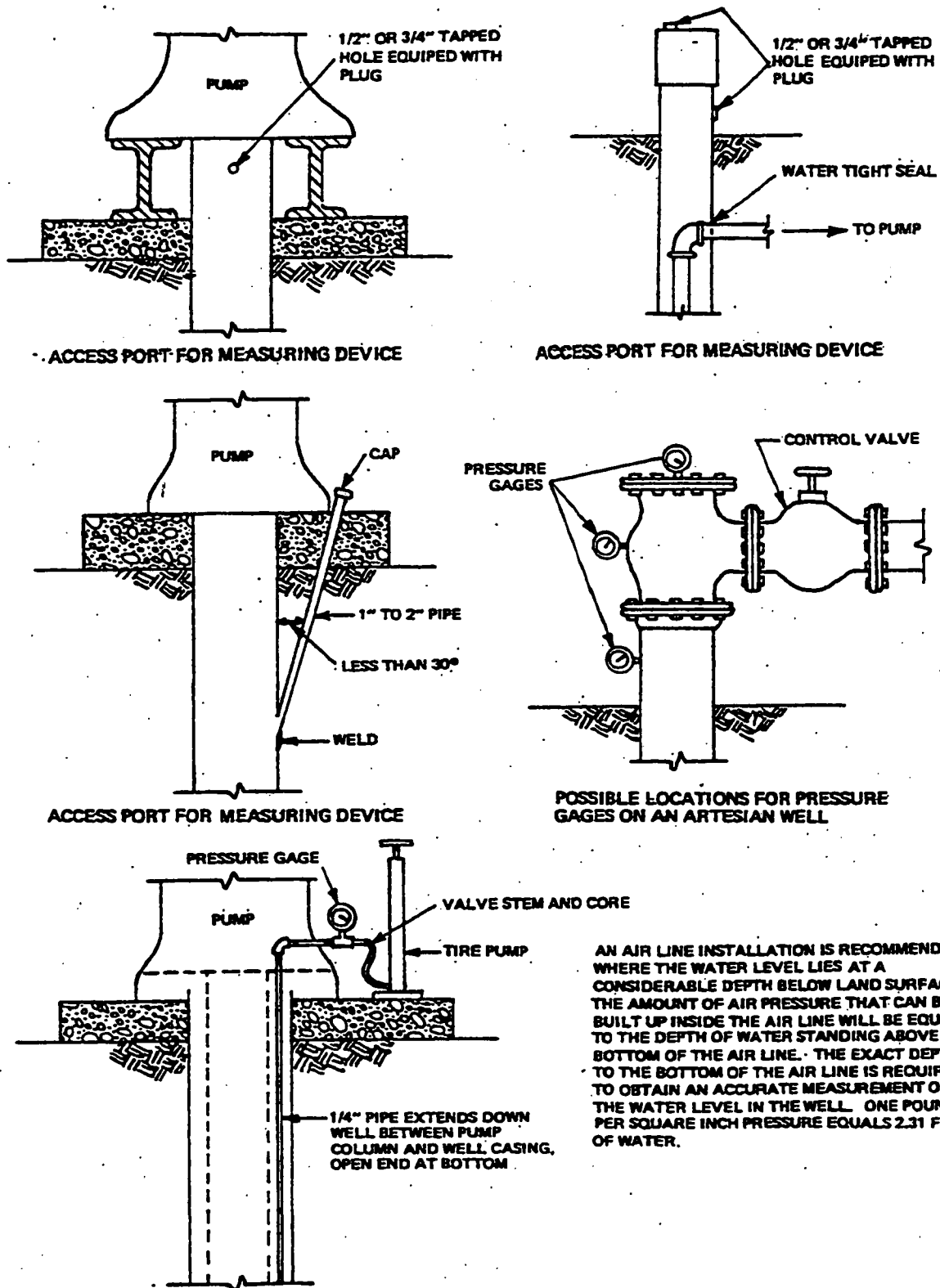


Figure 6. SUGGESTED METHODS FOR INSTALLING PRESSURE GAGES AND AIR LINES FOR MEASURING WATER LEVELS IN WELLS

PERMANENT

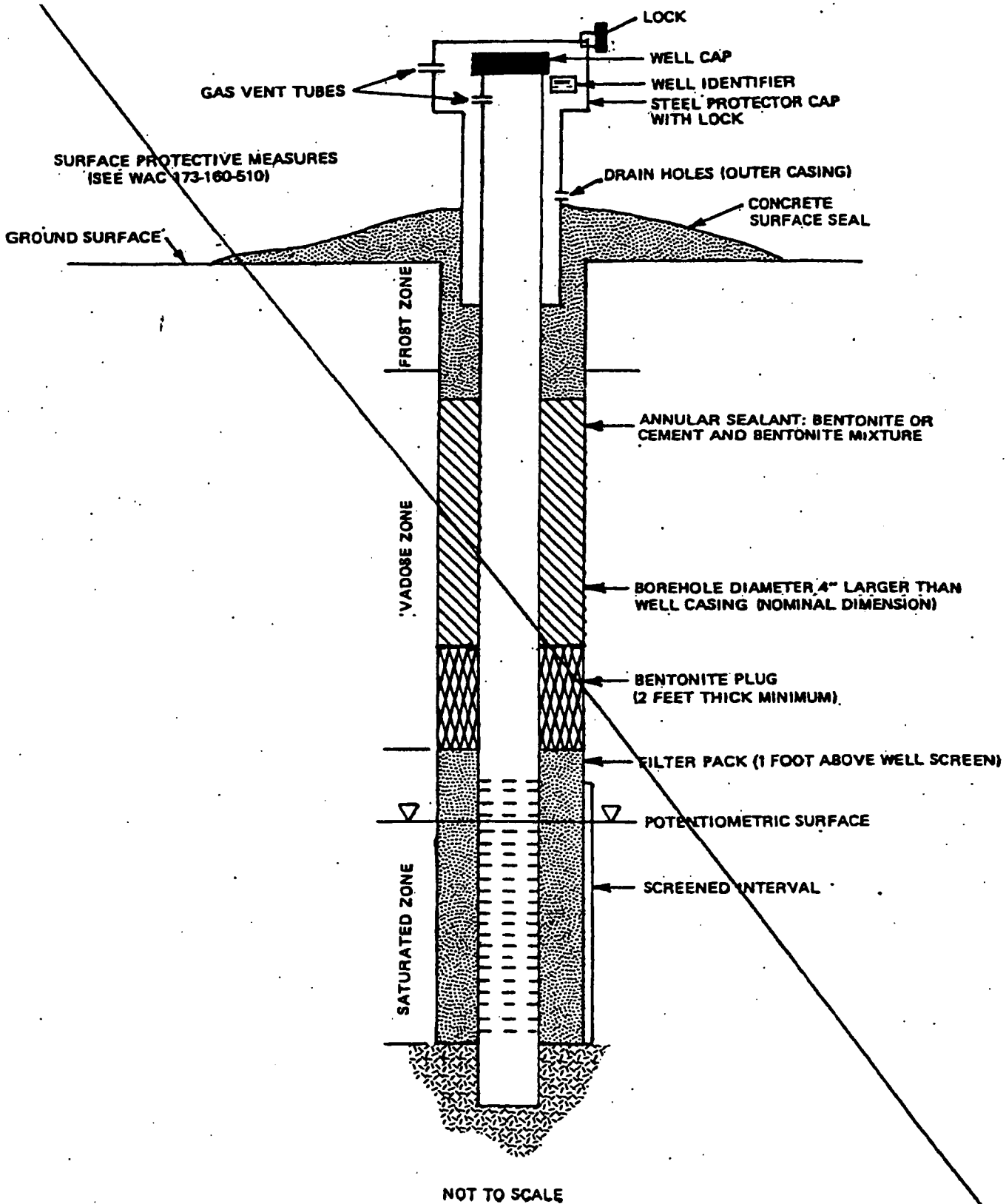
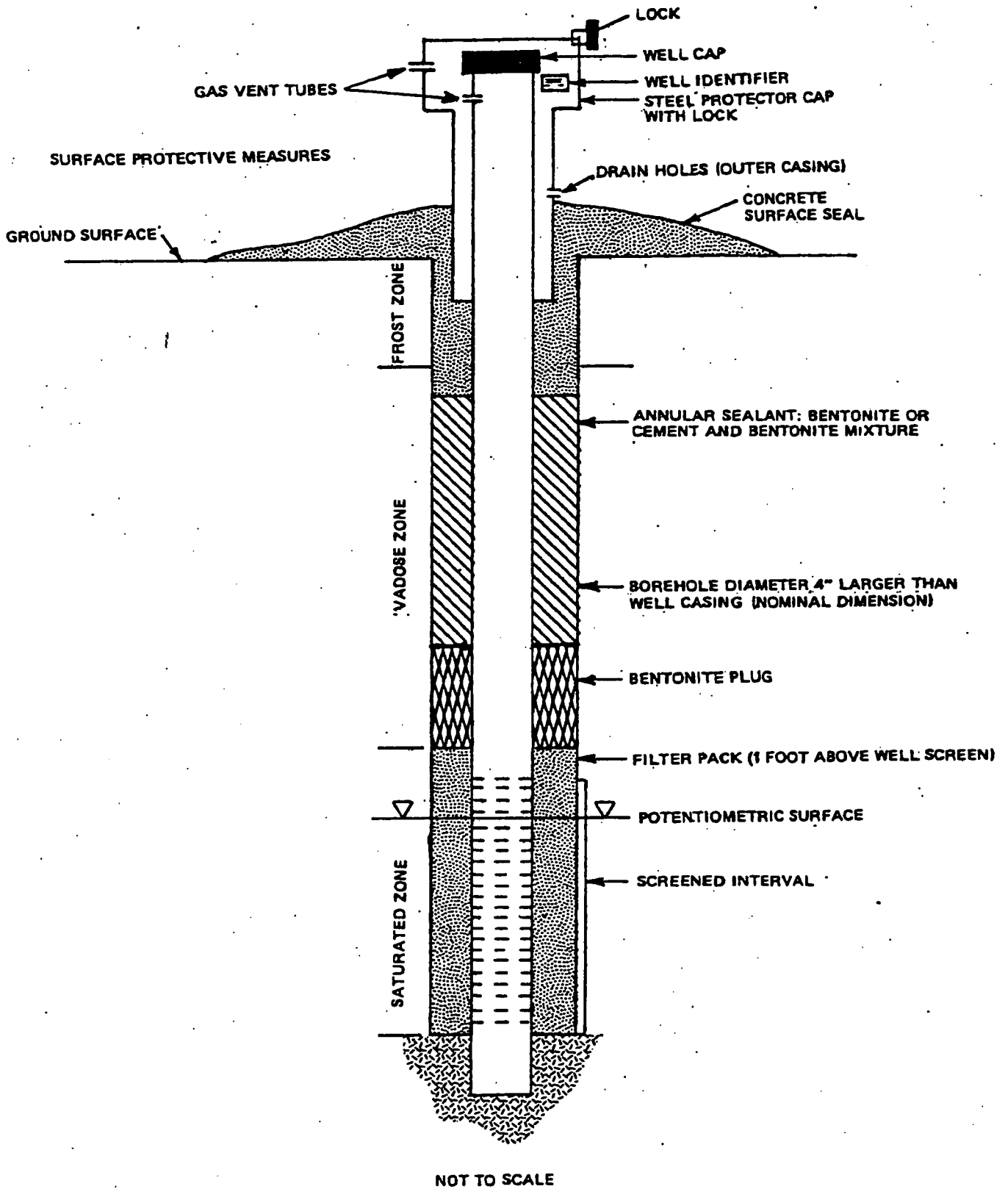


Figure 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

PERMANENT



PERMANENT

Figure 7. GENERAL RESOURCE PROTECTION WELL—CROSS SECTION.

WSR 98-18-106
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. UT-971664—General Order No. R-449—Filed September 2,
 1998, 11:42 a.m.]

In the matter of amending WAC 480-122-020 and 480-122-070 relating to the Washington telephone assistance program.

STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 98-12-070, filed with the code reviser on June 1, 1998. The commission brings this proceeding pursuant to RCW 80.01.040.

STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

DATE OF ADOPTION: The commission adopted this rule on July 8, 1998.

CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: The rule revisions address the Washington telephone assistance program rate and recovery of costs administration. The revisions will improve efficiency and reduce administrative effort in this program by allowing the commission to set the program rate through the commission order process.

REFERENCE TO AFFECTED RULES: This rule amends the following sections of the Washington Administrative Code: WAC 480-122-020 and 480-122-070, by changing the means of adoption of the pertinent rate from rule making to commission order, and by amending a reference to the process to be consistent with this change.

PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on April 10, 1998, at WSR 98-09-033.

ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement of inquiry advised interested persons that the commission was considering entering a rule making to accommodate administrative changes in Washington telephone assistance program process through rule repeal or amendment. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3).

NOTICE OF PROPOSED RULE MAKING: The commission filed a notice of proposed rule making (CR-102) on June 1, 1998 at WSR 98-12-070. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 98-12-070 at 9:30 a.m., Wednesday, July 8, 1998, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

COMMENTERS (WRITTEN COMMENTS): The commission received written comments from the Department of Social and Health Services and the Washington Independent Tele-

phone Association in support of the proposed rule revisions. No opposition was filed or expressed orally in any meeting.

RULE-MAKING HEARING: The rule change proposal was considered for adoption, pursuant to the notice, at the commission's regularly scheduled open public meeting on July 8, 1998, before Chair Anne Levinson, Commissioner Richard Hemstad, and Commissioner William R. Gillis. The commission heard oral comments from Rebecca Beaton, representing commission staff.

COMMISSION ACTION: After considering all of the information regarding this proposal, the commission adopted the rule amendment, as proposed in the notice of proposed rule making.

CHANGES FROM PROPOSAL: The commission adopted the proposal with the following changes from the text noticed at WSR 98-12-070: None.

STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: In reviewing the entire record, the commission determines that WAC 480-122-020 and 480-122-070 should be amended and adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 0, amended 0, repealed 0.

ORDER

THE COMMISSION ORDERS:

1. WAC 480-122-020 and 480-122-070 are amended and adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the code reviser pursuant to RCW 34.05.380(2).

2. This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

3. The commission adopts the commission staff memoranda, presented when the Commission considered filing a preproposal statement of inquiry, when it considered filing the formal notice of proposed rule making, and when it considered adoption of this proposal, in conjunction with the text of this order, as its concise explanatory statement of the reasons for adoption, as required by RCW 34.05.025.

DATED at Olympia, Washington, this 2nd day of September 1998.

Washington Utilities and
Transportation Commission
Anne Levinson, Chair
Richard Hemstad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-328, Docket No. UT-900462, filed 9/11/90, effective 10/12/90)

WAC 480-122-020 Washington telephone assistance program rate. The commission shall set by order the telephone assistance rate (~~(is eight dollars per month)~~).

AMENDATORY SECTION (Amending Order R-328, Docket No. UT-900462, filed 9/11/90, effective 10/12/90)

WAC 480-122-070 Recovery of costs. Local exchange companies shall recover to the maximum extent possible by a waiver of all or part of the federal end-user access charge and, to the extent necessary, from the telephone assistance fund administered by the department the following amounts:

(1) The difference between the telephone assistance rate (~~(specified in)~~) set by the commission by order under WAC 480-122-020 and the lowest available local exchange service flat rate, as specified in WAC 480-122-010 (3)(c);

(2) The discounted portion of the service connection fees;

(3) Applicable taxes not billed to the subscriber;

(4) Net uncollectibles directly resulting from the waiver of local exchange service deposits for eligible subscribers, provided that any partial payment collected for disconnected accounts shall be applied first to the payment of the local service bill; with the total for any account not to exceed two times the telephone assistance rate; and

(5) Administrative and program expenses incurred in offering the telephone assistance program, as authorized by the department.

PERMANENT



**WSR 98-18-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-167—Filed August 19, 1998, 1:43 p.m., effective August 22, 1998, 12:01 a.m.]

Date of Adoption: August 19, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-33000J.

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 a harvestable surplus of crab in the areas opened under this regulation. Crab test fishing data indicates that a depth restriction is no longer necessary to protect soft shelled crab. The emergency rule is no longer necessary.

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: August 22, 1998, 12:01 a.m.

August 19, 1998

Larry Peck

for Bern Shanks

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 22, 1998:

WAC 220-56-33000J Crab—Areas and seasons.
(98-148)

**WSR 98-18-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-170—Filed August 21, 1998, 3:19 p.m.]

Date of Adoption: August 21, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19100D and 220-56-19100F; and amending WAC 220-56-191.

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 rule is pursuant to United States [vs.] Canada and implements coho and chinook protection measures. 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.

August 21, 1998

Evan Jacoby

for Bern Shanks

Director

NEW SECTION

WAC 220-56-19100F Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-191, Effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5 through 13 except as provided for in this section:

(1) The minimum size limit for chinook salmon is 22-inches unless otherwise provided.. There is no minimum size limit for other salmon species.

(2) Effective immediately until further notice, while angling from the following fishing piers, special daily limit of 2 salmon, no more than one may be chinook:

(a) Edmonds Public Fishing Pier (in Catch Record Card Area 9)

EMERGENCY

- (b) Elliott Bay Public Fishing Pier at Terminal 86 (in Seattle in Catch Record Card Area 10).
- (c) Seacrest Pier (in Seattle in Catch Record Card Area 10).
- (d) Hood Canal Bridge Fishing Pontoon below the bridge (the boundary line between Catch record Card Areas 9 and 12)
- (3) Catch Record Card 5 and 6 - Special daily limit of 2 salmon, release all chinook and chum salmon; the following areas are closed:
 - (a) waters within 3/4 mile of the mainland shore are closed to salmon angling.
 - (b) Waters within 3/4 mile of Whidbey Island shore are closed to salmon angling.
 - (4) Catch Record Card Area 7 - open effective immediately until further notice - Special daily limit of 2 salmon, except Bellingham Bay has a special daily limit of 4 salmon, not more than one of which may be a chinook salmon.
 - (a) The following waters are closed to salmon angling: Waters within 1500 ft. of Fidalgo Island from the Initiative 77 marker northeast of Northwest Island to Biz Pt.; and waters of Burrows Bay inside a line from Biz Pt. To Williamson Rocks Buoy to the Dennis Shoal Buoy, to a point 1500 ft. west of the Burrows Island Light, then northeast to Fidalgo Head; and waters within 1500 ft. of Fidalgo Island from Fidalgo Head to Shannon Pt.; waters within 1500 ft. of Lopez Island bounded by a line running from Pt. Colville due south 1500 ft. then northerly along the Island, across Lopez Pass, and then northerly along Decatur Island within 1500 ft. of shore to Fauntleroy Pt., including waters within 1500 ft. of James Island.
 - (b) Effective 12:01 a.m. August 16, 1998 through August 29, 1998:
 - (i) It is unlawful to fish for or possess salmon taken for personal use in that portion of Catch Record Card Area 7 identified as the East San Juan Islands, as described in WAC 220-56-199.
 - (ii) Special daily limit of two salmon not more than one of which may be a chinook salmon and release all coho in that portion of Catch Record Card Area 7 lying northerly and westerly of the East San Juan Islands as described in WAC 220-56-199.
 - (5) Catch Record Card Area 8-2 - open effective immediately until further notice - Special daily limit of 2 salmon, release all chinook salmon.
 - (6) Catch Record Card Area 9 - open effective immediately until further notice - Special daily limit of 2 salmon, release all chinook and chum salmon.
 - (7) Catch Record Card Area 10 - open effective immediately until further notice - Special daily limit of 2 salmon, release all chinook salmon; the following areas are closed:
 - (a) Shilshole Bay east of a line from Meadow Point to West Point is closed.
 - (b) Elliott Bay east of a line from 4-Mile Rock to Alki Point is closed.
 - (8) Catch Record Card Area 11 - open effective immediately until further notice - Special daily limit of 2 salmon, not more than 1 of which may be chinook.
 - (9) Catch Record Card Area 12 - open effective immediately until further notice - Special daily limit of 4 salmon,

release all chinook and chum salmon; waters of the Hood-sport Hatchery Zone are managed separately as provided for in WAC 220-56-124.

(10) Catch Record Card Area 13 - open effective immediately until further notice - Special daily limit of 2 salmon, not more than 1 of which may be chinook.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19100D	Puget Sound salmon—Salt-water season and daily limits. (98-143)
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The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 29, 1998:

WAC 220-56-19100F	Puget Sound salmon—Salt-water seasons and daily limits.
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**WSR 98-18-012
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-168—Filed August 21, 1998, 3:23 p.m., effective August 26, 1998, 12:01 a.m.]

Date of Adoption: August 21, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000N; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulations are necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

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: August 26, 1998, 12:01 a.m.

August 21, 1998

Evan Jacoby

for Bern Shanks

Director

NEW SECTION

WAC 220-44-05000P Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. August 26, 1998 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels (see section 1.b.) A calendar month shall be the 16th of the month through the 15th of the following month. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-two month periods are July-August and September-October and November-December except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: July 16th-September 15 and September 16-November 15. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the

fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 30,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Two-month cumulative limit of 40,000 pounds, of which no more than 13,000 pounds may be yellowtail rockfish and no more than 15,000 pounds may be canary rockfish.

f. **DTS Complex - (Dover sole, Thornyhead rockfish, and Sablefish)** - Dover sole, two-month cumulative limit of 22,000 pounds. Longspine thornyheads, two-month cumulative limit of 12,000 pounds. Shortspine thornyheads, two-month cumulative limit of 5,000 pounds. Sablefish; for trawl vessels, two-month cumulative limit of 6,000 pounds; for non-trawl vessels, two-month cumulative limit of 1,800 pounds.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches.

Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, two-month calendar period calendar month. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. Effective noon, August 28 through noon, September 11, for vessels with a federal sablefish endorsement, cumulative "mop-up" limit of 3,200 pounds (round weight). Not more than 1,500 pounds (round weight) may be sablefish less than 22 inches (15.5 inches dressed, head off). Landing sablefish as part of a daily trip limit toward a 1,800 cumulative 2-month limit is prohibited for all non-trawl limited entry fishers during the August 28 - September 11 mop-up window.

h. **Pacific Whiting** - No maximum poundage. No minimum size.

i. **Lingcod** - Two-month cumulative limit of 1,000 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or more than 50% of any 2-month cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, 2-month cumulative period. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. No minimum size.

(b) **Rockfish** - Rockfish includes all Sebastes complex, widow rockfish, thornyhead rockfish, shortbelly rockfish and Pacific ocean perch. Vessel trip limit of 10,000 pounds. Cumulative monthly limit of 40,000 pounds.

(c) **Sebastes complex** - Monthly cumulative limit of 33,000 pounds (round weight). Of which, no more than 6,500 pounds (round weight) may be yellowtail rockfish and no more than 200 pounds (round weight) may be canary rockfish. No minimum size.

(d) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) **Widow Rockfish** - Monthly cumulative limit of 3,000 pounds. No minimum size.

(f) **Lingcod** - Illegal to take, possess, transport or land lingcod.

(g) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

4. Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip, or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip, or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "research" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

5. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

6. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

Reviser's note: The 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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 25, 1998:

WAC 220-44-05000N Coastal bottomfish catch limits. (98-115)

**WSR 98-18-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-169—Filed August 21, 1998, 3:25 p.m., effective August 23, 1998, 12:01 a.m.]

Date of Adoption: August 21, 1998.

Purpose: Commercial fishing regulations.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Provides opportunity to harvest the nontreaty allocation of hatchery origin fall chinook salmon destined for the Nooksack-Samish region, per the preseason schedule. This opening is consistent with agreements reached during the Pacific Fishery Management Council North of Falcon preseason process. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 23, 1998, 12:01 a.m.

August 21, 1998

Evan Jacoby

for Bern Shanks

Director

WSR 98-18-023

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-171—Filed August 25, 1998, 7:30 a.m.]

Date of Adoption: August 24, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100F; and amending WAC 220-32-051.

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 salmon are available for treaty Indian fisheries to occur in Zone 6. Season is consistent with the 1996-1998 Management Agreement and Compact action of August 21, 1998. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 24, 1998

Bruce A. Crawford

Assistant Director

for Bern Shanks

Director

NEW SECTION

WAC 220-47-901 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday August 23, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7B and 7C** - Gillnets using 7-inch minimum mesh may fish from 7:00 p.m. Monday August 24 to 9:00 a.m. Tuesday August 25, 1998.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.

NEW SECTION

WAC 220-32-05100F Columbia River salmon seasons above Bonneville. (1) Notwithstanding the provisions of WAC 220-32-051, and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

- (a) Open Periods:

EMERGENCY

6:00 a.m. Tuesday, August 25, 1998 to 6:00 p.m. Saturday, August 29, 1998.

6:00 a.m. Tuesday, September 1, 1998 to 6:00 p.m. Saturday, September 5, 1998.

(b) Open Area: SMCRA 1F, 1G, and 1H.

(c) Mesh: 8-inch minimum mesh restriction.

(d) It is unlawful to retain sturgeon less than 48 inches or greater than 60 inches in length. Sturgeon may be retained for subsistence purposes only. All sale of sturgeon is prohibited.

(2) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

(a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 mile downstream from the west bank.

(h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one and one-half miles downstream from the western shoreline of the mouth of Spring Creek.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 5, 1998:

WAC 220-32-05100F Columbia River salmon seasons above Bonneville.

WSR 98-18-029

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-172—Filed August 25, 1998, 4:50 p.m.]

Date of Adoption: August 25, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000B and 220-33-01000C; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and sturgeon are available for commercial harvest. This season is consistent with the precepts of the Olympia accord agreement between the states of Washington and Oregon concerning Columbia River sturgeon allocation, the 1996-1998 management agreement, and the actions of the Columbia River Compact hearing on August 24, 1998. 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.

August 25, 1998

Evan S. Jacoby

for Bern Shanks

Director

NEW SECTION

WAC 220-33-01000C Columbia River seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

(1) AREA: Shad Area 2S as defined in WAC 220-33-030

(a) SEASON: 8:00 p.m. August 25, 1998 to 6 a.m. August 26, 1998

(b) GEAR: 9 inch minimum mesh and 9 3/4 inch maximum mesh

(2) AREA: BLIND SLOUGH SELECT AREA

(a) Open waters extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge downstream to markers at the mouth of Blind Slough. Concurrent Oregon and Washington waters extend downstream of the railroad bridge. Oregon waters extend upstream of the railroad bridge.

(b) FISHING PERIODS

7 P.M. Mondays to 7 A.M. Tuesdays

7 P.M. Tuesdays to 7 A.M. Wednesdays

September 8 through September 23, 1998

6 P.M. Sundays to 8 A.M. Mondays

6 P.M. Mondays to 8 A.M. Tuesdays

6 P.M. Tuesdays to 8 A.M. Wednesdays

September 27 through October 21, 1998

(c) GEAR

Nets restricted to 50 fathoms in length with no weight restriction on leadline.

8 inch maximum mesh size.

(3) AREA: TONGUE POINT SELECT AREA

(a) Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the south-west end of Lois

Island due westerly to a marker on the opposite bank. All open water are under concurrent jurisdiction.

(b) FISHING PERIODS

7 P.M. Wednesdays to 7 A.M. Thursdays

7 P.M. Thursdays to 7 A.M. Fridays

September 10 through September 25, 1998

6 P.M. Wednesdays to 8 A.M. Thursdays

6 P.M. Thursdays to 8 A.M. Fridays

September 30 through October 23, 1998

(c) GEAR

Nets restricted to a maximum length of 250 fathoms and weight restriction on leadline not to exceed 2 pounds per fathom. However, fishers participating in the Tongue Point Select Area fishery may have gill nets stored on board their boats with leadline in excess of 2 pounds per fathom. 8 inch maximum mesh size.

4) ALLOWABLE SALE: salmon and sturgeon

(5) OTHER

(a) White sturgeon less than 48 inches or greater than 60 inches, or green sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water.

(b) It is unlawful to gaff sturgeon

(c) It is unlawful to sell unprocessed eggs from lower Columbia River sturgeon.

(d) It is unlawful to transport or possess fish outside of the fishing area when the mainstem is closed unless by licensed buyer, except with a permit issued by an authorized agency employee after examining the catch.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000B Columbia River seasons below Bonneville. (98-142)

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 a.m. October 23, 1998:

WAC 220-33-01000C Columbia River seasons below Bonneville.

WSR 98-18-041

EMERGENCY RULES

SECRETARY OF STATE

[Filed August 28, 1998, 10:01 a.m.]

Date of Adoption: August 28, 1998.

Purpose: Amend rules related to the administration of elections in time for the 1998 primary.

Citation of Existing Rules Affected by this Order: Amending WAC 434-261-005, 434-261-080, and 434-240-205.

Statutory Authority for Adoption: RCW 29.04.080, 29.04.210.

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: Rule amendments must be in place for the September 15, 1998, primary election to ensure that uniform procedures are in place.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 3, 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.

August 28, 1998

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of copying valid votes from ballots that may not be properly counted by the electronic voting equipment to blank ballots of the same type and style, or as directed by the canvassing board;

(3) "Ballot enhancement" is the process of adding or covering marks on ((a)) an optical scan ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-261-080 Ballot enhancement—Optical scan systems. Ballots shall only be enhanced when such enhancement will not permanently obscure the original

marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

(1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;

(2) A log shall be kept of the ballots enhanced and shall include at least the following information:

(a) The control number of each ballot enhanced;

(b) The initials of at least two people who participated in enhancing each ballot; and

(c) The total number of ballots enhanced;

(3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-240-205 Replacement absentee ballots.

The county auditor may issue replacement absentee ballots to a voter who both:

(1) Requested an absentee ballot prior to election day; and

(2) Did not receive the absentee ballot or whose absentee ballot was damaged, lost, or destroyed.

A voter may request an absentee replacement ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the auditor prior to 8:00 p.m. on election day.

The county auditor shall maintain a record of each replacement ballot issued, including the date of the request. Replacement absentee ballots or the original absentee ballot, whichever is received first, shall ((be counted in the final tabulation of ballots, and shall only)) be tabulated if the ((original ballot is not received by the county auditor and the replacement)) ballot meets all requirements for tabulation ((necessary for the tabulation of regular absentee ballots)). If the auditor receives additional ballot(s) from a voter, the additional ballot(s) shall not be counted and shall be forwarded to the county canvassing board.

WSR 98-18-047

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 98-174—Filed August 28, 1998, 3:47 p.m.]

Date of Adoption: August 28, 1998.

Purpose: Subsistence fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500Q; 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: Opens the Klickitat River to fall chinook and coho subsistence fishing. Harvestable numbers of fall chinook and coho are expected. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 28, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-32-05500R 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 Klickitat River, except under the following provisions:

1) In the Klickitat River from the site of the former Swinging Bridge (RM 1.5) upstream to Fishway Number 5 (RM 2.2), fishing is allowed effective immediately to 6 p.m. Saturday August 29, 1998 and 6 a.m. Tuesday September 1, 1998 to 6 p.m. Saturday September 5, 1998.

2) **ALLOWABLE GEAR:**

Dipnets, setbag nets, or rod and reel with bait or lures. Any other fishing methods, such as snagging of fish, are unlawful.

3) **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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. September 5, 1998:

WAC 220-32-05500Q

Columbia River tributaries—
Subsistence.

**WSR 98-18-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-175—Filed August 28, 1998, 3:50 p.m., effective August 30, 1998, 12:01 a.m.]

Date of Adoption: August 27, 1998.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-901.

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: Opening in Areas 7B and 7C provides opportunity to harvest the nontreaty allocation of hatchery-origin fall chinook salmon destined for the Nook-sack-Samish region, per the preseason schedule. Openings in Area 12A provide opportunity to selectively harvest the nontreaty allocation of coho salmon destined for the Quilcene National Fish Hatchery while reducing impacts to summer chum. Beach seine gear specifications are defined in WAC 220-47-427(6). These openings are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon preseason process.

All other Puget Sound areas are closed to prevent over-harvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have [been] removed from the fishing grounds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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: August 30, 1998, 12:01 a.m.

August 27, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-47-902 Puget Sound all-citizen commercial salmon fishery. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday August 30, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- * **AREAS 7B and 7C** - Gillnets using 7-inch minimum mesh may fish from 7:00 p.m. Monday August 31, 1998 through 9:00 a.m. Tuesday September 1, 1998.
- * **AREA 12A** - Holders of Quilcene Bay salmon beach seines Experimental Fishery Permits may fish 7:00 a.m. to 7:00 p.m. daily:
 Monday August 31, 1998 through Friday September 4, 1998
 Monday September 7, 1998 through Friday September 11, 1998
 Monday September 14, 1998 through Friday September 18, 1998
 Monday September 21, 1998 through Friday September 25, 1998
 Monday September 28, 1998 through Friday October 2, 1998
 Monday October 5, 1998 through Friday October 9, 1998
 All provisions of WAC 220-47-427 apply. Beach seines may not retain chum salmon.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.

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: Wild steelhead returns to the Wind River in 1998 are expected to be the poorest on record. Additional protection of these fish is necessary to increase escapement. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 4, 1998, 12:01 a.m. August 28, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules. Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. September 4, 1998 until further notice, it is unlawful to fish for or possess gamefish in those waters of the Wind River and its tributaries from 100 feet above Shipperd Falls fish ladder upstream.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday August 30, 1998:

WAC 220-47-901 Puget Sound all-citizen commercial salmon fishery. (98-169)

**WSR 98-18-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-176—Filed August 28, 1998, 3:54 p.m., effective September 4, 1998, 12:01 a.m.]

Date of Adoption: August 28, 1998.
Purpose: Personal use rules.
Citation of Existing Rules Affected by this Order: Repealing WAC 220-28-619.
Statutory Authority for Adoption: RCW 77.12.040.

**WSR 98-18-050
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-178—Filed August 28, 1998, 3:57 p.m., effective September 1, 1998, 12:01 a.m.]

Date of Adoption: August 28, 1998.
Purpose: Commercial fishing regulations.
Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000P; and amending WAC 220-44-050.
Statutory Authority for Adoption: RCW 75.08.080.
Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or

EMERGENCY

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 regulations are necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 1998, 12:01 a.m.

August 28, 1998

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-44-05000Q Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. September 1, 1998 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels (see section 1.b.) A calendar month shall be the 16th of the month through the 15th of the following month. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are September-October and November-December except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-

month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: July 16th-September 15 and September 16-November 15. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - One-month cumulative limit of 4,000 pounds. No minimum size.

b. **Widow rockfish** - One-month cumulative limit of 15,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100

pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) One-month cumulative limit of 20,000 pounds, of which no more than 6,500 pounds may be yellowtail rockfish and no more than 7,500 pounds may be canary rockfish.

f. **DTS Complex - (Dover sole, Thornyhead rockfish, and Sablefish)** - Dover sole, one-month cumulative limit of 11,000 pounds. Longspine thornyheads, one-month cumulative limit of 6,000 pounds. Shortspine thornyheads, one-month cumulative limit of 2,500 pounds. Sablefish; for trawl vessels, one-month cumulative limit of 3,000 pounds; for non-trawl vessels, one-month cumulative limit of 900 pounds.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, two-month calendar period calendar month. The restriction of landing no more than 60% of the two-month cumulative allowance in a single calendar month does not apply. Effective noon, August 28 through noon, September 11, for vessels with a federal sablefish endorsement, cumulative "mop-up" limit of 3,200 pounds (round weight). Not more than 1,500 pounds (round weight) may be sablefish less than 22 inches (15.5 inches dressed, head off). Landing sablefish as part of a daily trip limit toward a 1,800 cumulative 2-month limit is prohibited for all non-trawl limited entry fishers during the August 28 - September 11 mop-up window.

h. **Pacific Whiting** - No maximum poundage. No minimum size.

i. **Lingcod** - One-month cumulative limit of 500 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or more than 50% of any 2-month cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 1,800 pounds in any fixed, 2-month cumulative period. The restriction of landing no more than

60% of the two-month cumulative allowance in a single calendar month does not apply. No minimum size.

(b) **Rockfish** - Rockfish includes all *Sebastes* complex, widow rockfish, thornyhead rockfish, shortbelly rockfish and Pacific ocean perch. Vessel trip limit of 10,000 pounds. Cumulative monthly limit of 40,000 pounds.

(c) **Sebastes complex** - Monthly cumulative limit of 33,000 pounds (round weight). Of which, no more than 6,500 pounds (round weight) may be yellowtail rockfish and no more than 200 pounds (round weight) may be canary rockfish. No minimum size.

(d) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude, is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) **Widow Rockfish** - Monthly cumulative limit of 3,000 pounds. No minimum size.

(f) **Lingcod** - Illegal to take, possess, transport or land lingcod.

(g) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

4. Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip, or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip, or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "research" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

5. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

6. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 31, 1998:

WAC 220-44-05000P Coastal bottomfish catch limits. (98-168)

**WSR 98-18-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-179—Filed August 28, 1998, 3:59 p.m., effective September 1, 1998, 12:01 a.m.]

Date of Adoption: August 28, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-53000A and 232-28-61900V; and amending WAC 220-28-619.

Statutory Authority for Adoption: RCW 75.08.080 and 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: The projected 1998 run size over McNary is 70,700 which surpasses the escapement goal at McNary by 24,700 fish. This regulation is consistent with proposing and implementing a sport fishery related to United States v. Oregon management agreements. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 1998, 12:01 a.m.
August 28, 1998

Larry Peck
for Bern Sharfs
Director

NEW SECTION

WAC 220-57-53000A Yakima River. Special daily limit of two chinook salmon - September 1 through October 31, 1998: Downstream from the Chandler powerhouse outfall approximately eight miles below Prosser Dam. Selective gear rules required.

NEW SECTION

WAC 232-28-61900V Exceptions to state-wide rules—Yakima River. Notwithstanding the provisions of WAC 232-28-619, effective September 1 through October 31, 1998: All species - selective gear rules in those waters of the Yakima River downstream from the Chandler powerhouse outfall approximately eight miles below Prosser Dam.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. October 31, 1998:

WAC 220-57-53000A Yakima River.

WAC 232-28-61900V Exceptions to state-wide rules—Yakima River.

**WSR 98-18-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-180—Filed August 28, 1998, 4:02 p.m.]

Date of Adoption: August 28, 1998.

Purpose: Amend hunting rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-28000A and 232-28-26400B; and amending WAC 232-28-264 and 232-28-280.

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: Population estimates in GMUs 248 through 284 show additional deer available for recreational opportunity. There is insufficient time to adopt permanent rules and allow this hunting to occur. The Fish and Wildlife Commission has adopted a change in dates for the early Canada goose season and local property owners have requested a closure in Quilcene Bay to reduce local hunting impacts. These rules have been adopted as permanent rules but will not take effect until the season has already started. Emergency rule making is necessary to implement the changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 1, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

August 28, 1998

Larry Peck
for Bern Shanks
Director

WAC 232-28-26400B 1998 Early goose season—
Quilcene Bay closure. (98-180)

The following section of the Washington Administrative Code is repealed 12:01 a.m., October 31, 1998:

WAC 232-28-29000A 1998 Early deer seasons.
(98-180)

WSR 98-18-077
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed September 1, 1998, 11:10 a.m.]

Date of Adoption: September 1, 1998.

Purpose: To establish rates and payment rules for the Department of Social and Health Services' child care subsidy programs.

Statutory Authority for Adoption: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090.

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: Rules must be effective when funds are available on September 1, 1998. New rates and payment rules increase access to child care for families who receive subsidized child care. This will help meet the federal mandate to reduce the number of families on TANF by allowing parents to enter the work force and maintain employment.

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 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: Immediately.

September 1, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 232-28-26400B 1998 Early Canada goose season—Quilcene Bay closure. Notwithstanding the provisions of WAC 232-28-264, effective immediately through 11:59 p.m., September 14, 1998, it is unlawful to hunt for geese in all areas except as provided for in this section:

(1) Canada goose hunting, except for brant and Aleutian Canada geese, is open statewide from September 8 through September 14, 1998, during the hunting hours set forth in WAC 232-28-264.

(2) During the season provided for in this section, it is unlawful to hunt for geese in those waters of Quilcene Bay and all lands and waters within 100 yards of those waters of Quilcene Bay north of a line projected due east from the Boathaven Marina to landfall on the east shore of Quilcene Bay.

NEW SECTION

WAC 232-28-29000A 1998 Early deer seasons. Notwithstanding the provisions of WAC 232-28-280:

(1) Effective September 1 through 5, 1998, the early archery deer season is open in GMUs 248 through 284 for any whitetail buck.

(2) Effective September 6 through 30, 1998, the early archery deer season is open in GMUs 248 through 284 for any whitetail deer.

(2) Effective October 17 through 30, 1998, the general season for Eastern Washington whitetail deer is open in GMUs 248 through 284 for any whitetail buck.

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

REPEALER

The following section of the Washington Administrative Code is repealed 12:01 a.m., September 15, 1998:

EMERGENCY

NEW SECTION

WAC 388-15-177 Subsidized child care payment. (1)

For licensed or certified child care providers, the department may make child care subsidy payments directly to the provider on behalf of the eligible child and the department shall

pay the providers their usual and customary rates or the maximum DSHS child care subsidy rate, whichever is less.

(2) At initial authorization and reauthorization beginning September 1, 1998, the department must pay the maximum DSHS child care rates according to the following table, except as specified in subsection (3)(a)(b) and (c) of this section.

DSHS MAXIMUM CHILD CARE SUBSIDY RATES

CHILD CARE CENTERS

	Infants (0-11 months)	Toddlers (12-29 months)	Preschool (30 months-5 yrs.)	School-age (5-12 yrs.)
Region 1				
Full-Day	\$20.45	\$18.00	\$16.08	\$16.14
Half-Day	\$10.23	\$9.00	\$8.04	\$8.07
Hourly	\$4.00	\$3.00	\$2.95	\$3.00
Region 2				
Full-Day	\$20.05	\$18.18	\$16.23	\$14.36
Half-Day	\$10.02	\$9.09	\$8.11	\$7.18
Hourly	\$4.00	\$3.00	\$2.75	\$2.75
Region 3				
Full-Day	\$28.00	\$23.82	\$20.09	\$18.86
Half-Day	\$14.00	\$11.91	\$10.05	\$9.43
Hourly	\$4.30	\$4.25	\$3.65	\$4.00
Region 4				
Full-Day	\$33.50	\$26.59	\$23.41	\$21.66
Half-Day	\$16.75	\$13.30	\$11.70	\$10.83
Hourly	\$5.00	\$4.50	\$4.67	\$4.50
Region 5				
Full-Day	\$24.91	\$21.18	\$18.00	\$16.82
Half-Day	\$12.45	\$10.59	\$9.00	\$8.41
Hourly	\$5.00	\$3.75	\$3.40	\$3.44
Region 6				
Full-Day	\$23.23	\$21.15	\$18.18	\$17.77
Half-Day	\$11.61	\$10.58	\$9.09	\$8.89
Hourly	\$5.00	\$3.25	\$3.00	\$2.70

DSHS MAXIMUM CHILD CARE SUBSIDY RATES

FAMILY HOMES

	Infants (0-11 months)	Toddlers (12-29 months)	Preschool (30 months-5 yrs.)	School-age (5-12 yrs.)
Region 1				
Full-Day	\$18.00	\$17.00	\$15.45	\$15.00
Half-Day	\$9.00	\$8.50	\$7.73	\$7.50
Hourly	\$2.64	\$2.00	\$2.00	\$2.50
Region 2				
Full-Day	\$18.00	\$17.00	\$16.00	\$15.00
Half-Day	\$9.00	\$8.50	\$8.00	\$7.50
Hourly	\$2.13	\$2.00	\$2.25	\$2.33
Region 3				

EMERGENCY

DSHS MAXIMUM CHILD CARE SUBSIDY RATES

FAMILY HOMES

	Infants (0-11 months)	Toddlers (12-29 months)	Preschool (30 months-5 yrs.)	School-age (5-12 yrs.)
Region 4				
Full-Day	\$28.00	\$23.00	\$20.00	\$19.00
Half-Day	\$14.00	\$11.50	\$10.00	\$9.50
Hourly	\$3.50	\$3.00	\$2.60	\$3.00
Region 5				
Full-Day	\$27.50	\$25.00	\$25.00	\$20.00
Half-Day	\$13.75	\$12.50	\$12.50	\$10.00
Hourly	\$4.17	\$4.17	\$3.50	\$3.30
Region 6				
Full-Day	\$19.00	\$20.00	\$18.00	\$16.00
Half-Day	\$9.50	\$10.00	\$9.00	\$8.00
Hourly	\$3.13	\$2.64	\$2.50	\$3.00
Region 6				
Full-Day	\$20.00	\$20.00	\$18.00	\$16.00
Half-Day	\$10.00	\$10.00	\$9.00	\$8.00
Hourly	\$2.86	\$2.63	\$2.50	\$2.67

(3) For licensed or certified child care that is authorized or reauthorized beginning September 1, 1998, the department:

(a) Pays a monthly bonus for each child receiving subsidies who is authorized for nonstandard hour care. Nonstandard hour care is defined as a minimum of fifteen hours of

child care per month outside the standard hours of 6:00 am until 6:00 pm Monday through Friday, or any time of the day on Saturdays and Sundays. The rate paid will be the maximum DSHS child care subsidy rate plus the nonstandard bonus as listed in the following table, or the provider's customary rate for that type of care, whichever is less;

NONSTANDARD HOUR BONUS BY REGION

	Full-time	Part-time	Hourly
REGION 1	\$88.00	\$44.00	\$22.00
REGION 2	\$89.00	\$45.00	\$23.00
REGION 3	\$110.00	\$55.00	\$28.00
REGION 4	\$138.00	\$69.00	\$35.00
REGION 5	\$99.00	\$50.00	\$25.00
REGION 6	\$100.00	\$50.00	\$25.00

(b) Pays a one-time infant bonus of two hundred fifty dollars to the provider for a child under twelve months of age who is newly enrolled in their care; and who is expected to continue in care for five or more days;

(c) Pays thirty percent above the DSHS maximum child care rate or the provider's documented cost associated with caring for the child with special needs, whichever is less. A special needs child must be under nineteen years of age and physically, mentally, emotionally, or behaviorally disabled as verified by an appropriate collateral source, such as a therapist, counselor, teacher, doctor, nurse, or other qualified person.

(4) For in-home/relative child care the parent will:

(a) Be the employer of the provider;

(b) Pay the provider directly;

(c) Require the provider to sign a receipt at the time of payment, and retain the receipt for review by the department at the parent's next eligibility determination.

(5) For in-home/relative child care the department will:

(a) At authorization and reauthorization beginning September 1, 1998, initiate payment to the parent toward the cost of child care, at an hourly rate of two dollars for the first child and ninety-nine cents for each additional child;

(b) Pay for the care of children with special needs as stated in subsection (3)(c) of this section;

(c) Pay the employer's share of Social Security and Medicare taxes on all payments the department makes to the parent toward the cost of child care;

(d) Withhold the in-home/relative child care provider share of Social Security taxes up to the wage base limit from all payments the department makes to the parent toward the cost of child care;

(e) Withhold the in-home/relative child care provider share of Medicare taxes from all payments the department makes to the parent toward the cost of child care;

(f) Refund all taxes in (c) and (d) of this subsection, if the in-home/relative child care provider received less than one thousand one hundred dollars per family in a calendar year;

EMERGENCY

(g) Pay the employer's Federal Unemployment Taxes (FUTA) and, when applicable, state unemployment taxes (SUTS) on all payments the department makes to the parent toward the cost of child care; and

(h) Not make payment toward the cost of child care provided by the following relatives of the child: mother, father, sister, brother, stepmother, stepfather, stepsister, or stepbrother, except for adult siblings or stepsiblings residing outside of the child's home.

WSR 98-18-078
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 1, 1998, 11:11 a.m.]

Date of Adoption: September 1, 1998.

Purpose: Chapter 388-290 WAC implements a subsidized child care program needed by low-income families with dependent children to become employed or maintain employment. This rule allows a family's eligibility to be based on total income compared to one hundred seventy-five percent of the federal poverty level adjusted for family size. The rule also allows for greater client access to the subsidy program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-010.

Statutory Authority for Adoption: RCW 74.04.050.

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 change creates greater access to childcare subsidies for WorkFirst clients. Currently, eligibility is based on gross income. This change allows the department to take payroll taxes into consideration when determining eligibility. Without this rule change, WorkFirst clients who have found new jobs will not be eligible for child care when their gross income exceeds the limits of eligibility. This may threaten their jobs, as well as the safety of their job, as well as the safety of their children if they are forced to use unlicensed care or leave their children home alone.

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.

September 1, 1998

Marie Myerchin-Redifer, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-08-021, filed 3/19/98, effective 4/19/98)

WAC 388-290-010 Subsidized child care—Purpose and income limit. The purpose of this program is to provide child care services necessary to assist families with dependent children to become or remain employed. The department may provide subsidized child care services to families with ((gross)) incomes at or below one hundred seventy-five percent of the Federal Poverty Level (FPL) adjusted for family size.

WSR 98-18-084
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 98-181—Filed September 1, 1998, 4:16 p.m.]

Date of Adoption: September 1, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600E; and amending WAC 220-52-046 and 220-52-040.

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: Earlier than normal molting activity has resulted in high abundance of softshelled crabs. These regulations are necessary to conserve the coastal Dungeness crab resource by preventing harvest of large amounts of poor quality crab, wastage of the resource, and a disorderly fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

September 1, 1998

Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-52-04600F Coastal crab season Notwithstanding the provisions of WAC 220-52-046, effective 5:00 p.m. September 3, 1998, until further notice, it is unlawful to fish for, possess, transport through the waters of the state or land in any Washington port Dungeness crab taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 60B, 60C, or 60D..

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 220-52-04000H Crab fishery—Lawful and unlawful Notwithstanding the provisions of WAC 220-52-040, effective 12:01 a.m. September 9, 1998, until further notice, it is unlawful to set, operate, or maintain crab gear in Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 60B, 60C, or 60D. All crab in crab pot gear pulled after 5:00 p.m. September 3, 1998 must be returned to the water.

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 p.m. September 3, 1998:

WAC 220-52-04600E Coastal crab season. (98-114)

**WSR 98-18-085
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 98-177—Filed September 1, 1998, 4:19 p.m., effective September 3, 1998, 12:01 a.m.]

Date of Adoption: August 31, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000T and 220-56-19000U; and amending WAC 220-56-190.

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 salmon remain on the quota for a one day recreational fishery in Catch Record Card Areas 1 and 2. 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: September 3, 1998, 12:01 a.m.
August 31, 1998
Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-56-19000U Coastal salmon—Seasons and limits. Notwithstanding the provisions of WAC 220-56-190, it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 1 through 4 except as provided for in this section:

(1) Area 1 - Open effective 12:01 a.m. September 3 through 11:59 p.m. September 3, 1998. Daily limit of two salmon not more than one of which may be a chinook salmon, except release wild coho salmon. Closed in the Columbia River Mouth Control Zone as defined in WAC 220-56-195.

(2) Area 2 - Open effective 12:01 a.m. September 3 through 11:59 p.m. September 3, 1998. Daily limit of two salmon not more than one of which may be a chinook salmon.

(3) Size limits - Chinook salmon minimum size 24 inches in length. Coho salmon minimum size 16 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000T Coastal salmon—Seasons and limits. (98-166)

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. September 3, 1998:

WAC 220-56-19000U Coastal salmon—Seasons and limits.

EMERGENCY

WSR 98-18-007
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
[Memorandum—August 21, 1998]

BOARD OF TRUSTEES
August 21, 1998, 10:00 a.m.
Cheney
Pence Union Building
Room 263-65

Workshop

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

WSR 98-18-008
PROCLAMATION
OFFICE OF THE GOVERNOR
[August 21, 1998]

STATE OF EMERGENCY

WHEREAS, it is anticipated that groups with strongly held opposing views and interests concerning the whaling to be undertaken by the Makah Indian Tribe on or after October 1, 1998 will be present at the Makah Days tribal celebration to be held August 28-30, 1998 on the Makah Indian Tribal Lands at Neah Bay and Clallam County, Washington;

WHEREAS, due to the presence of such groups, there is imminent danger of tumult, riot, or other unlawful acts that could result in violence to persons or property, and it is anticipated that responsible local civil authorities will not have sufficient resources to preserve law and order and protect life or property;

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, due to the imminent danger that the aforementioned situation will result in a State of Emergency in Clallam County, do under RCW 38.08, 38.52, and 43.06, hereby 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 hereby order the Washington State Military Department to activate the State Emergency Operations Center to implement response procedures, and to coordinate state resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure, and to assess the magnitude of the event. I also hereby order into active state service the Washington National Guard or such part thereof as may be necessary, at such time as may be necessary, in the opinion of the Adjutant General, to support local law enforcement and to perform any other emergency duties as directed by competent authority. The Adjutant General is

directed to use his best efforts to minimize all costs associated with deployment of Washington National Guard resources, in his discretion, without jeopardizing the Guard's readiness and function.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 21st day of August, A.D., Nineteen Hundred and Ninety-Eight.

Gary Locke
Governor of Washington

BY THE GOVERNOR:
Michelle Burkheimer
Acting Deputy
Secretary of State

WSR 98-18-020
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
[Memorandum—August 24, 1998]

The Fish and Wildlife Commission would like to publish a notice of change from the meeting schedule filed under WSR 97-22-071 as follows:

<u>DATE</u>	<u>FUNCTION</u>	<u>LOCATION</u>
The October 2-3 meeting	is canceled.	All agenda items will be taken up at the October 27 meeting.
October 27	meeting	Olympia

Additional meetings, workshops, and conference calls may be scheduled on an as-needed basis.

WSR 98-18-021
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Memorandum—August 21, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

BUILDING AND FACILITY USE COMMITTEE

<u>Meeting Dates</u>	<u>Location</u>	<u>Time</u>
First and third Friday of each month.	GWP - 320	Noon to 1:00 p.m.

WSR 98-18-022
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Memorandum—August 20, 1998]

The Seattle Community College District board of trustees will have a special meeting - on Tuesday, September 8, 1998, from 4:30 p.m. to 5:00 p.m., scheduled to take place at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106.

WSR 98-18-025
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED
CONTROL BOARD

[Memorandum—August 24, 1998]

The Washington State Noxious Weed Control Board will be holding a special meeting/weed tour in October. The tour will start October 8, 1998, 9:30 a.m., Willapa National Wildlife Refuge Headquarters, 3888 SR 101, Ilwaco, WA.

The public is welcome to attend all meetings. Contact Lisa Lantz, Executive Secretary WSNWCB, (253) 872-2972, if you have any questions.

WSR 98-18-028
AGENDA
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed August 25, 1998, 11:05 a.m.]

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
RULE DEVELOPMENT AGENDA
July 1, 1998 through December 31, 1998

July 7, 1998

- (1) Adoption of coastal bottomfish catch limits
 CR 102XA filed 4/21/98, WSR 98-09-080
 CR 103 filed 7/7/98, WSR 98-15-033
- (2) Adoption of lingcod size limit change
 CR 101 filed 3/2/98, WSR 98-06-065
 CR 102 filed 4/21/98, WSR 98-09-086
 CR 103 filed 7/7/98, WSR 98-15-032
- (3) Adoption of Bonilla-Tatoosh line definition and conservation areas WACs
 CR 101 filed 3/2/98, WSR 98-06-065
 CR 102 filed 4/21/98, WSR 98-09-089
 CR 103 filed 7/7/98, WSR 98-15-031

July 15, 1998

Adoption of sport and commercial rules resulting from Pacific Management Council North of Falcon process

- CR 101 filed 2/27/98, WSR 98-06-058
 CR 102 filed 5/19/98, WSR 98-11-086
 CR 103 filed 7/15/98, WSR 98-15-081

July 30, 1998

- Adoption of Puget Sound logbook requirements
 CR 101 filed 3/2/98, WSR 98-06-065
 CR 102 filed 4/21/98, WSR 98-09-087
 CR 103 filed 7/7/98, WSR 98-14-091

August 7-8, 1998

- (1) Adoption of 1998-1999 hunting seasons
 CR 101 filed 5/6/98
 CR 102 filed 6/30/98, WSR 98-14-097 through 98-14-107
 CR 103 filed 8/13/98, WSR 98-17-037 through 98-17-047

September 23, 1998

- Expected adoption of 1998 salmon license buy-back rules
 CR 101 filed 3/18/98, WSR 98-07-091
 CR 102 filed 5/6/98, WSR 98-10-100
 CR 102 filed 6/30/98, WSR 98-14-096
 CR 102 filed 8/19/98, WSR 98-17-098

October 27, 1998

- (1) Expected adoption of 1999 recreational licensing rules pursuant to chapter 191, Laws of 1998
 CR 101 filed 4/1/98, WSR 98-08-110
 CR 101 filed 7/22/98, WSR 98-15-149
 CR 102 expected filing 9/23/98
- (2) Expected adoption of protected and endangered species amendments
 CR 101 filed 5/14/98, WSR 98-11-030
 CR 102 expected filing 9/23/98

December 2-3, 1998

- (1) Expected adoption of: Classification of European green crab as a deleterious and exotic species; establishing seasonal closures for coastal crab; declaration of ocean spot prawns as an emerging commercial fishery
 CR 101 filed 8/18/98, WSR 98-17-086 through 98-17-088
 CR 102 expected filing 10/21/98
- (2) Expected adoption of amendments to spring bear and cougar seasons, private lands wildlife management areas seasons, and auctions and raffles for big game and turkey hunting
 CR 101 filed 8/18/98
 CR 102 expected filing 10/7/98

Evan Jacoby
 Rules Coordinator

WSR 98-18-030**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE**

(Beef Commission)

[Memorandum—August 24, 1998]

The August 20, 1998, board meeting of the Washington State Beef Commission has been changed to September 24, 1998, to be held in Ellensburg.

If there are questions, please contact (206) 464-7403.

WSR 98-18-035**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

[Memorandum—August 26, 1998]

CARGO AND PASSENGER VESSEL
INSPECTION ADVISORY COUNCIL
SPILL PREVENTION, PREPAREDNESS,
AND RESPONSE PROGRAM

The Department of Ecology announces the regular biennial meeting of the Cargo and Passenger Vessel Inspection Advisory Council established by WAC 317-31-220. Meeting date, time, and location:

October 5, 1998

8:30 a.m. to 5:30 p.m.

Attorney General Training Room, Room 2400

Bank of California Building

900 4th Avenue

Seattle, WA

The mission of the council is [to] make recommendations to the Department of Ecology concerning accepted industry standards for cargo and passenger vessels. The standards cover operating procedures, personnel policies, and management practices. They are used to help the department identify vessels that pose a substantial risk of spilling oil in Washington waters.

The meeting will be open to the public and a public comment period is included in the meeting agenda.

The organizations and interests represented on the council are classification societies, environmental organizations, maritime trade associations, native American tribes, cargo vessel operators, cruise ship operators, Washington Department of Ecology, Oregon state pilots, Washington Department of Fish and Wildlife, the public at large, commercial fishing vessels, maritime labor organizations, Oregon Department of Environmental Quality, cargo vessel owners, cruise ship owners, Washington state ferry system, Washington state pilots, Washington state public ports, and marine education and training.

WSR 98-18-038**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Memorandum—August 26, 1998]

Mortgage Broker Commission meetings: 3rd Wednesday of every 3rd month (normally), Washington Interactive Television (WIT), Lacey, Department of Information Services, 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA, and other WIT sites such as Seattle, Spokane, and Vancouver, on November 18, 1998, at 9 a.m. - 12 noon.

Escrow Commission meetings: 2nd Tuesday of odd months (normally), on September 8, 1998, at 9 a.m. - 12 noon, Highline Community College, Building 23, Room 111; and on November 10, 1998, at 9 a.m. - 12 noon, Highline Community College, Building 2.

WSR 98-18-039**NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD**

[Memorandum—August 27, 1998]

NOTICE OF CANCELLATION

The Executive Ethics Board's regular meeting, scheduled for September 11, 1998, has been canceled.

If you have any questions, please contact Meg Grimaldi at (360) 664-0871 or Patti Hurn at (360) 586-3265.

WSR 98-18-040**NOTICE OF PUBLIC MEETINGS
OFFICE OF THE GOVERNOR**

(Clemency and Pardons Board)

[Memorandum—August 27, 1998]

A special meeting of the board has been set for September 28, 1998, in the John A. Cherberg Building, Hearing Room 4, Olympia, Washington, starting at 9:00 a.m. The purpose of the special meeting is to address the case of Jeremy V. Sagastegui.

WSR 98-18-054**INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 28, 1998, 4:24 p.m.]

In accordance with RCW 34.05.230(12), the following policy and interpretive statements were recently issued by the department:

Insurance Services Division:

Policy #6.52, "Authorizing Vocational Retraining Expenses," provides guidance to workers' compensation claims management staff for authorizing vocational retraining expenses.

Policy #6.53, "Authorizing Room and Board for Vocational Retraining," provides guidance to workers' compensation claims management staff for authorizing room and board during vocational retraining.

Policy #10.30, "Authorizing and Paying for Interpretive Services," is amended to clarify that family or personal friends may not serve as interpreters for independent medical examinations under the workers' compensation state fund, workers' compensation funds of self-insured employers, and crime victims compensation claims.

Policy #60.03, "Release of Employer Information," provides guidance to workers' compensation/employer services program staff when determining what employer information is releasable to the public.

Policy #63.67, "Closing and Reopening Accounts," provides guidance to program staff when determining the need to close and/or reopen industrial insurance accounts.

Contact: Linda Norris
Mailstop 4-44310
(360) 902-4999
Douglas Connell
Assistant Director

WISHA Services Division:

WISHA Interim Operations Memorandum #98-6-A, "Targeting WISHA Activities (General)," replaces #98-1-A and provides guidance to WISHA staff regarding programmed inspections and targeted consultations.

WISHA Interim Operations Memorandum #98-6-B, "Coordinating WISHA Enforcement and Consultation," replaces #98-1-B and provides guidance to WISHA staff regarding programmed inspections and targeted consultations.

WISHA Interim Operations Memorandum #98-6-C, "Use of Statewide 'WISHA 200' List," replaces #98-1-C and provides guidance to WISHA staff regarding "WISHA 200" employers.

WISHA Interim Operations Memorandum #98-6-D, "Programmed WISHA Activities in Construction," replaces #98-1-D and provides guidance to WISHA compliance and consultation staff regarding programmed activities in construction.

WISHA Interim Operations Memorandum #98-6-E, "Programmed WISHA Activities in Logging," replaces #98-1-E and provides guidance to WISHA compliance and consultation staff regarding programmed activities in logging.

WISHA Interim Operations Memorandum #98-6-F, "Programmed WISHA Activities in Seasonal Agriculture," replaces #98-1-F and provides guidance to WISHA compliance and consultation staff regarding programmed activities in seasonal agriculture.

WISHA Interim Operations Memorandum #98-6-G, "Programmed WISHA Activities in Maritime," replaces #98-1-G and provides guidance to WISHA compliance and consultation staff regarding programmed activities within maritime.

WISHA Interim Operations Memorandum #98-6-H, "Programmed WISHA Activities in Electrical Utilities and Communications," replaces #98-1-H and provides guidance to WISHA compliance and consultation staff regarding programmed activities in electrical utilities and communications.

WISHA Interim Operations Memorandum #98-6-I, "Local Emphasis Programs," replaces #98-1-I and provides guidance to WISHA staff regarding local emphasis programs.

Contact: Teri Neeley
Mailstop 4-4648
(360) 902-5503
Dr. Michael Silverstein
Assistant Director

If you need additional information or have questions, please call (360) 902-4216.

Donna Copeland
Legislative and
Governmental Affairs Office

WSR 98-18-058

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed August 31, 1998, 10:32 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Children's Administration Policy 99-04.

Subject: Criminal background checks in facilities licensed to serve JRA youth.

Effective Date: September 1, 1998.

Document Description: The directive provides instruction to Children's Administration staff who license group homes for children and youth. It identifies additional crimes they will need to consider when licensing facilities that will be or are contracted to serve youth who are the responsibility of the Juvenile Rehabilitation Administration (JRA). ESSB 6445, chapter 269, Laws of 1998, requires that we consider the named crimes when considering applicants for license, their staff, and volunteers in facilities that serve JRA youth. The law must be implemented September 1, 1998.

To receive a copy of the interpretive or policy statement, contact Art Cantrall, Mailstop 45710, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-7956, TDD (360) 902-7906, fax (360) 902-7903, e-mail CANA300@dshs.wa.gov.

September 1, 1998

Carole Holland

WSR 98-18-062
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE

[Memorandum—August 26, 1998]

Due to a conflict in trustee schedules, the regular meeting of the board of trustees of Community Colleges of Spokane (Washington State Community College District #17) scheduled for September 22, 1998, at 1:30 p.m. has been changed to September 18, 1998, from 9:30 a.m. to 1 p.m. The location remains the same, 2000 North Greene Street, Spokane, WA 99207.

WSR 98-18-075
INTERPRETIVE STATEMENT
DEPARTMENT OF ECOLOGY
 [Filed September 1, 1998, 9:52 a.m.]

INTERPRETIVE STATEMENT

Purpose: In order to comply with RCW 34.05.230(4) of the Administrative Procedure Act, the Department of Ecology submits the following:

Document Title: Water Quality Program Policy No. 1-19 and Procedure No. 1-20 for the Use of Short Term Modifications.

Subject: Policy and procedure for ecology staff when issuing short term modifications or addressing activities previously regulated through short term modifications.

Document Description: This policy and procedure guides ecology staff in their issuance of permits and short term modifications and the appropriate use of best management practices concerning turbidity and pesticides. This follows revisions to ecology's enabling legislation (RCW 90.48.445) and the surface water quality standards (WAC 173-201A-100 and 173-201A-110). Guidance is provided on the revised total dissolved gas criteria (WAC 173-201A-060(4) and 173-201A-130), oil spill simulants and "duck derbies." The policy and procedure describes the following guidance:

- (1) When the use of a short term modification is still appropriate;
- (2) When it is appropriate to integrate modification language into other permits;
- (3) Ecology will no longer be providing site-specific review, approval and conditioning of many construction-related projects less than five acres. Instead, best management practices (BMPs) must be used to meet water quality standards;
- (4) Examples of situations where turbidity from in-water and out-of-water construction projects is regulated by revised dilution zones and BMPs;
- (5) Examples of situations where permits or short term modifications are needed for applying herbicides to aquatic plants;
- (6) Process of issuing aquatic pesticide experimental use permits (EUPs) by ecology and Washington State Department of Agriculture;

(7) How to apply the newly revised total dissolved gas criteria; and

(8) Permitting requirements for oil spill simulants and "duck derbies."

Effective Date: August 11, 1998.

To receive a copy of the interpretive statement contact Allen Moore, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6563, fax (360) 407-6426, TDD (360) 407-6206, e-mail amoo461@ecy.wa.gov.

Responsible Official:
 August 26, 1998

Megan White, P.E., Manager
 Water Quality Program

WSR 98-18-076
POLICY STATEMENT
DEPARTMENT OF ECOLOGY
 [Filed September 1, 1998, 9:55 a.m.]

POLICY STATEMENT

Purpose: In order to comply with RCW 34.05.230(4) of the Administrative Procedure Act, the Department of Ecology submits the following:

Document Title: Policy for Providing Assistance to Applicants for Water Rights to Obtain and Develop Water Supplies.

Subject: Assistance to applicants for water rights to obtain and develop water supplies.

Document Description: Document explains how ecology will assist persons seeking new water rights, for purposes consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area under RCW 43.62.035, to obtain and develop water supplies.

Effective Date: August 28, 1998.

To receive a copy of the policy statement contact Fred Rajala, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6634, fax (360) 407-7162, TDD (360) 407-6634, e-mail fraj461@ecy.wa.gov.

Responsible Official:
 August 27, 1998

Keith E. Phillips
 Program Manager
 Water Resources Program

WSR 98-18-094
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—September 2, 1998]

Notice of Special Meeting

The Forest Practices Board will hold a special meeting on September 22, 1998, at 9:00 a.m. in Room 172 of the Natural Resources Building, Olympia. The board will consider

permanent forestry module rules and readopting emergency rules. Also, an executive session will be held. The agenda will be distributed to the public at least one week before the meeting.

The board will hold a work plan retreat on October 14, 1998, at Pack Forest. The purpose is for the board to discuss their work plan for 1999. No public comment will be taken.

Board Committee Meeting Notice

The Island Committee will meet on September 23, 1998, in San Juan County. No public comment will be taken.

For more information about either meeting or to be added to the board's mail list contact Forest Practices 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, TTY (360) 902-1125, e-mail forest.practicesboard@wadnr.gov.

WSR 98-18-102

AGENDA

DEPARTMENT OF ECOLOGY

[Filed September 2, 1998, 11:27 a.m.]

**ADDITION TO DEPARTMENT OF ECOLOGY'S
SEMI-ANNUAL RULE AGENDA**

WAC Chapter: Chapter 173-532 WAC, Water Resources Program for the Walla Walla River Basin, WRIA 32.

Agency Contact: Thom Lufkin, 407-6631.

CR-101 Filing Date: September 1998.

Approximate Adoption Date: January 1999.

Scope of Changes/Purpose: Amend rule to allow giving higher priority to processing water right change applications when doing so will result in a substantial enhancement of the natural environment. Amendment would include specific criteria for evaluating the degree to which the natural environment would be enhanced by a proposed use, to determine whether prioritization of the proposal is appropriate.

WSR 98-18-105

INSURANCE COMMISSIONER'S OFFICE

[Filed September 2, 1998, 11:38 a.m.]

No. G 98 - 39

NOTICE OF HEARING

In the matter of the acquisition of **CASCADE NATIONAL INSURANCE COMPANY**.

TO: Harold L. Anderson, President
Kenneth I. Tobey, Inc.
2201 - 6th Avenue, Suite 1500
Seattle, Washington 98121

Melodie H. Bankers
Vice President - Governmental Relations
Kenneth I. Tobey, Inc.
2201 - 6th Avenue, Suite 1500
Seattle, Washington 98121
Alan Litner
Fletcher Fox & Litner, P.C.
18 East 48th Street
New York, New York 10017
Robert M. Menke, President
Bankers Insurance Group, Inc.
360 Central Avenue, 15th Floor
St. Petersburg, Florida 33701

Cascade National Insurance Company (Cascade) is a domestic Washington insurance company. It is a member of Clarendon Insurance Group. The ultimate controlling person of Cascade is Lion Holding, Inc.

Legend Holdings, Inc. (LHI) is a domestic Washington corporation. The incorporator of LHI is Harold L. Anderson of Seattle, Washington. Mr. Anderson is president of Kenneth I. Tobey, Inc., a Seattle-based managing general insurance agency. LHI has announced its intention to acquire Cascade.

The acquisition of a domestic Washington insurance company is controlled by Chapter 48.31B RCW. Pursuant to RCW 48.31B.015 and WAC 284-18-910, a Form "A" submission was made by the applicants. The Form "A" was deemed complete August 31, 1998. The determination that the Form "A" was complete begins the 60 day period within which the Insurance Commissioner must hold a hearing and decide whether to approve the change of control of the companies.

YOU ARE HEREBY NOTIFIED that a hearing will be held commencing Monday, September 28, 1998, at 10:00 a.m. in the Conference Room of Building 4, RoweSix at 4224 - 6th Avenue, S.E., Lacey, Washington 98503, to consider the proposed acquisition of Cascade.

The hearing will be held under the authority granted the Commissioner by Chapter 48.04 RCW and RCW 48.31B.015. RCW 48.31B.015 lists the findings which must be made before approval can be given to any proposed acquisition of control over a Washington domestic insurer.

The basic facts relied upon are those set forth in the Form "A" filed with the Commissioner. The complete Form "A" will be made part of the record of the hearing.

The Commissioner has not taken, and will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved, as required by the Administrative Procedure Act. The hearing will be governed by the Administrative Procedure Act, Chapter 34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage

MISC.

of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

The Commissioner will be represented by Dennis Julnes, Chief Financial Analyst, James E. Tompkins, Assistant Deputy Commissioner, and Ronald Pastuch, Financial Analyst.

Assistant Deputy Commissioner John B. Woodall has been designated to hear and determine this matter. His address is Office of the Insurance Commissioner, Post Office Box 40259, Olympia, Washington 98504-0259. His telephone number is (360) 407-0535.

ENTERED AT OLYMPIA, WASHINGTON, this 2nd day of September, 1998.

DEBORAH SENN
Insurance Commissioner

By:

JOHN B. WOODALL
Assistant Deputy Commissioner
for Company Supervision

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

- Symbols:**
- AMD = Amendmend of existing section
 - A/R = Amending and recodifying a section
 - DECOD = Decodification of an existing section
 - New = New section not previously codified
 - OBJECT = Notice of objection by Joint Administrative Rules Review Committee
 - PREP = Preproposal comments
 - RE-AD = Readoption of existing section
 - RECOD = Recodification of previously codified section
 - REP = Repeal of existing section
 - RESCIND = Rescind of existing section
 - REVIEW = Review of Previously adopted rule

- 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

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	14-276-100	NEW-XA	98-18-045	16-167-020	AMD	98-09-048
1-21-010	AMD	98-14-048	14-276-110	NEW-XA	98-18-045	16-167-030	AMD-XA	98-04-076
1-21-020	AMD-XA	98-09-083	14-276-120	NEW-XA	98-18-045	16-167-030	AMD	98-09-048
1-21-020	AMD	98-14-048	14-276-130	NEW-XA	98-18-045	16-167-040	AMD-XA	98-04-076
4-25	AMD-C	98-07-025	14-276-140	NEW-XA	98-18-045	16-167-040	AMD	98-09-048
4-25	AMD-C	98-05-020	14-325-010	NEW-XA	98-18-045	16-167-050	AMD-XA	98-04-076
4-25-410	AMD	98-12-020	16-08-151	AMD	98-09-085	16-167-050	AMD	98-09-048
4-25-520	AMD	98-12-021	16-08-151	AMD-XA	98-04-082	16-167-060	AMD	98-09-048
4-25-540	AMD	98-12-022	16-20	PREP	98-15-067	16-167-060	AMD-XA	98-04-076
4-25-550	AMD	98-12-023	16-21	PREP	98-15-067	16-168-010	AMD	98-03-089
4-25-551	AMD	98-12-047	16-22	PREP	98-15-067	16-168-020	AMD	98-03-089
4-25-620	AMD	98-12-048	16-23	PREP	98-15-067	16-168-030	AMD	98-03-089
4-25-622	AMD	98-12-049	16-32-009	PREP	98-05-104	16-168-040	AMD	98-03-089
4-25-625	REP	98-12-056	16-32-009	REP-P	98-09-104	16-168-050	AMD	98-03-089
4-25-626	NEW	98-12-055	16-32-009	REP	98-14-036	16-168-060	AMD	98-03-089
4-25-627	REP	98-12-056	16-32-011	AMD-P	98-09-104	16-168-070	AMD	98-03-089
4-25-631	AMD	98-12-050	16-32-011	AMD	98-14-036	16-168-075	NEW	98-03-089
4-25-810	AMD	98-12-051	16-46-010	REP-XR	98-08-080	16-168-080	AMD	98-03-089
14-104-010	NEW-XA	98-18-045	16-46-010	REP	98-13-118	16-168-090	AMD	98-03-089
14-104-020	NEW-XA	98-18-045	16-86	PREP	98-08-022	16-168-100	AMD	98-03-089
14-104-030	NEW-XA	98-18-045	16-86	PREP	98-11-010	16-200	PREP	98-12-039
14-108-010	NEW-XA	98-18-045	16-89	PREP	98-08-023	16-200-695	AMD-E	98-12-018
14-108-020	NEW-XA	98-18-045	16-96	REP-C	98-18-043	16-200-695	AMD-E	98-13-013
14-108-030	NEW-XA	98-18-045	16-96-001	REP-P	98-15-157	16-200-705	AMD-E	98-13-013
14-108-040	NEW-XA	98-18-045	16-96-002	REP-P	98-15-157	16-200-705	AMD-E	98-12-018
14-108-050	NEW-XA	98-18-045	16-96-003	REP-P	98-15-157	16-200-7061	NEW-E	98-13-013
14-108-060	NEW-XA	98-18-045	16-96-010	REP-P	98-15-157	16-200-7061	NEW-E	98-12-018
14-108-070	NEW-XA	98-18-045	16-96-020	REP-P	98-15-157	16-200-7062	NEW-E	98-12-018
14-108-080	NEW-XA	98-18-045	16-96-030	REP-P	98-15-157	16-200-7062	NEW-E	98-13-013
14-122-010	NEW-XA	98-18-045	16-102	PREP	98-04-075	16-200-7063	NEW-E	98-13-013
14-122-020	NEW-XA	98-18-045	16-129-010	REP-XR	98-08-020	16-200-7063	NEW-E	98-12-018
14-122-030	NEW-XA	98-18-045	16-129-010	REP	98-13-029	16-200-7064	NEW-E	98-12-018
14-133-020	NEW-XA	98-18-045	16-129-020	REP-XR	98-08-020	16-200-7064	NEW-E	98-13-013
14-134-010	NEW-XA	98-18-045	16-129-020	REP	98-13-029	16-200-708	AMD-E	98-13-013
14-276-010	NEW-XA	98-18-045	16-129-025	REP-XR	98-08-020	16-200-708	AMD-E	98-12-018
14-276-020	NEW-XA	98-18-045	16-129-025	REP	98-13-029	16-212	PREP	98-11-024
14-276-030	NEW-XA	98-18-045	16-129-030	REP-XR	98-08-020	16-212-030	AMD-P	98-07-106
14-276-040	NEW-XA	98-18-045	16-129-030	REP	98-13-029	16-212-030	AMD	98-12-058
14-276-050	NEW-XA	98-18-045	16-129-030	REP	98-16-016	16-212-060	AMD-P	98-07-106
14-276-060	NEW-XA	98-18-045	16-154	PREP	98-16-016	16-212-060	AMD	98-12-058
14-276-070	NEW-XA	98-18-045	16-160	PREP	98-16-015	16-212-070	AMD-P	98-07-106
14-276-080	NEW-XA	98-18-045	16-167-010	AMD-XA	98-04-076	16-212-070	AMD	98-12-058
14-276-090	NEW-XA	98-18-045	16-167-010	AMD	98-09-048	16-212-080	AMD-P	98-07-106
			16-167-020	AMD-XA	98-04-076			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-212-080	AMD	98-12-058	16-354-020	AMD-P	98-06-082	16-532-0406	REP-P	98-02-073
16-212-082	AMD-P	98-07-106	16-354-020	AMD	98-09-049	16-532-0406	REP	98-13-122
16-212-082	AMD	98-12-058	16-354-030	AMD-P	98-06-082	16-532-0408	REP-P	98-02-073
16-228-155	PREP	98-07-003	16-354-030	AMD	98-09-049	16-532-0408	REP	98-13-122
16-228-155	AMD-P	98-10-069	16-354-040	AMD	98-09-049	16-532-0410	REP-P	98-02-073
16-228-155	AMD	98-15-026	16-354-040	AMD-P	98-06-082	16-532-0410	REP	98-13-122
16-316-474	PREP	98-06-093	16-354-050	AMD-P	98-06-082	16-532-0412	REP-P	98-02-073
16-316-474	AMD-P	98-09-101	16-354-050	AMD	98-09-049	16-532-0412	REP	98-13-122
16-316-474	AMD	98-12-032	16-354-070	AMD-P	98-06-082	16-532-0414	REP-P	98-02-073
16-316-525	AMD-P	98-09-101	16-354-070	AMD	98-09-049	16-532-0414	REP	98-13-122
16-316-525	PREP	98-06-093	16-354-100	AMD-P	98-06-082	16-532-0414	REP-P	98-02-073
16-316-525	AMD	98-12-032	16-354-100	AMD	98-09-049	16-532-0414	REP	98-13-122
16-319-041	PREP	98-06-094	16-400	AMD	98-10-083	16-557	PREP	98-08-099
16-319-041	AMD-P	98-09-100	16-400	AMD-P	98-07-032	16-557-010	AMD	98-16-081
16-319-041	AMD	98-12-031	16-400-007	AMD	98-10-083	16-557-010	AMD-P	98-12-017
16-325-005	NEW	98-09-071	16-400-007	AMD-P	98-10-083	16-557-025	NEW	98-16-081
16-325-005	NEW-XA	98-05-106	16-400-007	AMD-P	98-07-032	16-557-025	NEW-P	98-12-017
16-325-010	NEW-XA	98-05-106	16-400-040	AMD-P	98-07-032	16-561	PREP	98-13-120
16-325-010	NEW	98-09-071	16-400-040	AMD	98-10-083	16-561-030	AMD-P	98-16-080
16-325-015	NEW	98-09-071	16-400-100	AMD-P	98-07-032	16-565	PREP	98-13-119
16-325-015	NEW-XA	98-05-106	16-400-100	AMD	98-10-083	16-573-010	NEW	98-04-093
16-325-020	NEW-XA	98-05-106	16-400-100	AMD	98-10-083	16-573-020	NEW	98-04-093
16-325-020	NEW	98-09-071	16-400-210	AMD-P	98-07-032	16-573-030	NEW	98-04-093
16-325-025	NEW-XA	98-05-106	16-400-210	AMD	98-10-083	16-573-040	NEW	98-04-093
16-325-025	NEW	98-09-071	16-402-005	NEW	98-17-069	16-573-041	NEW	98-04-093
16-333-200	REP-XR	98-07-108	16-402-005	NEW-P	98-13-129	16-573-050	NEW	98-04-093
16-333-200	REP	98-13-033	16-402-010	NEW	98-17-069	16-573-060	NEW	98-04-093
16-333-205	REP-XR	98-07-108	16-402-010	NEW-P	98-13-129	16-573-070	NEW	98-04-093
16-333-205	REP	98-13-033	16-402-015	NEW	98-17-069	16-573-080	NEW	98-04-093
16-333-210	REP-XR	98-07-108	16-402-015	NEW-P	98-13-129	16-575	PREP	98-06-096
16-333-210	REP	98-13-033	16-402-020	NEW	98-17-069	16-600-020	REP-XR	98-08-019
16-333-215	REP-XR	98-07-108	16-402-020	NEW-P	98-13-129	16-600-020	REP	98-13-030
16-333-215	REP	98-13-033	16-470-100	AMD-P	98-08-108	16-604	REP-C	98-18-043
16-333-220	REP-XR	98-07-108	16-470-100	AMD	98-12-091	16-604-001	REP-P	98-15-157
16-333-220	REP	98-13-033	16-470-120	AMD-P	98-08-108	16-604-002	REP-P	98-15-157
16-333-225	REP-XR	98-07-108	16-471	PREP	98-07-107	16-604-003	REP-P	98-15-157
16-333-225	REP	98-13-033	16-471-010	REP-P	98-13-128	16-604-008	REP-P	98-15-157
16-333-230	REP-XR	98-07-108	16-471-010	REP-W	98-13-127	16-604-010	REP-P	98-15-157
16-333-230	REP	98-13-033	16-471-010	REP-P	98-10-115	16-604-012	REP-P	98-15-157
16-333-235	REP-XR	98-07-108	16-471-015	REP-W	98-13-127	16-604-015	REP-P	98-15-157
16-333-235	REP	98-13-033	16-471-015	REP-P	98-13-128	16-604-030	REP-P	98-15-157
16-333-240	REP-XR	98-07-108	16-471-020	REP-W	98-13-127	16-605A	REP-C	98-18-043
16-333-240	REP	98-13-033	16-471-020	REP-P	98-10-115	16-605A-001	REP-P	98-15-157
16-333-245	REP-XR	98-07-108	16-471-030	REP-P	98-10-115	16-605A-005	REP-P	98-15-157
16-333-245	REP	98-13-033	16-471-030	REP-W	98-13-127	16-605A-010	REP-P	98-15-157
16-334-010	NEW-XA	98-07-109	16-471-040	REP-P	98-10-115	16-607	NEW-C	98-18-043
16-334-010	NEW	98-11-048	16-471-040	REP-P	98-10-115	16-607-005	NEW-P	98-15-157
16-334-020	NEW-XA	98-07-109	16-471-040	REP-W	98-13-127	16-607-010	NEW-P	98-15-157
16-334-020	NEW	98-11-048	16-471-040	REP-P	98-13-128	16-607-015	NEW-P	98-15-157
16-334-030	NEW-XA	98-07-109	16-471-050	REP-W	98-13-127	16-607-020	NEW-P	98-15-157
16-334-030	NEW	98-11-048	16-471-050	REP-P	98-13-128	16-607-025	NEW-P	98-15-157
16-334-040	NEW-XA	98-07-109	16-471-050	REP-P	98-10-115	16-607-035	NEW-P	98-15-157
16-334-040	NEW	98-11-048	16-471-060	REP-W	98-13-127	16-607-040	NEW-P	98-15-157
16-334-050	NEW-XA	98-07-109	16-471-060	REP-P	98-10-115	16-607-045	NEW-P	98-15-157
16-334-050	NEW	98-11-048	16-471-060	REP-P	98-13-128	16-607-050	NEW-P	98-15-157
16-334-060	NEW-XA	98-07-109	16-471-070	REP-W	98-13-127	16-607-055	NEW-P	98-15-157
16-334-060	NEW	98-11-048	16-471-070	REP-P	98-13-128	16-607-060	NEW-P	98-15-157
16-334-070	NEW-XA	98-07-109	16-471-070	REP-P	98-10-115	16-607-065	NEW-P	98-15-157
16-334-070	NEW	98-11-048	16-471-080	REP-P	98-10-115	16-607-070	NEW-P	98-15-157
16-334-080	NEW-XA	98-07-109	16-471-080	REP-W	98-13-127	16-607-075	NEW-P	98-15-157
16-334-080	NEW	98-11-048	16-471-080	REP-P	98-13-128	16-607-080	NEW-P	98-15-157
16-354-002	REP-P	98-06-082	16-532-010	AMD-P	98-02-073	16-607-085	NEW-P	98-15-157
16-354-002	REP	98-09-049	16-532-010	AMD	98-13-122	16-607-090	NEW-P	98-15-157
16-354-005	AMD-P	98-06-082	16-532-0402	REP-P	98-02-073	16-607-095	NEW-P	98-15-157
16-354-005	AMD	98-09-049	16-532-0402	REP	98-13-122	16-607-100	NEW-P	98-15-157
16-354-010	AMD-P	98-06-082	16-532-0404	REP-P	98-02-073	16-607-105	NEW-P	98-15-157
16-354-010	AMD	98-09-049	16-532-0404	REP	98-13-122	16-607-110	NEW-P	98-15-157
						16-607-115	NEW-P	98-15-157
						16-607-120	NEW-P	98-15-157

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-607-125	NEW-P	98-15-157	25- 18-100	REP	98-05-027	50- 52-210	REP	98-16-105
16-607-130	NEW-P	98-15-157	25- 18-110	REP	98-05-027	50- 52-210	REP-XR	98-13-096
16-607-135	NEW-P	98-15-157	25- 18-120	REP	98-05-027	50- 52-220	REP	98-16-105
16-607-140	NEW-P	98-15-157	25- 18-130	REP	98-05-027	50- 52-220	REP-XR	98-13-096
16-607-145	NEW-P	98-15-157	25- 36-010	REP	98-05-027	50- 52-230	REP	98-16-105
16-608	REP-C	98-18-043	25- 36-020	REP	98-05-027	50- 52-230	REP-XR	98-13-096
16-608-001	REP-P	98-15-157	25- 36-030	REP	98-05-027	50- 52-240	REP	98-16-105
16-608-010	REP-P	98-15-157	25- 36-040	REP	98-05-027	50- 52-240	REP-XR	98-13-096
16-608-020	REP-P	98-15-157	25- 36-050	REP	98-05-027	50- 52-250	REP	98-16-105
16-620	REP-C	98-18-043	25- 36-060	REP	98-05-027	50- 52-250	REP-XR	98-13-096
16-620-010	REP-P	98-15-157	25- 36-070	REP	98-05-027	50- 52-260	REP	98-16-105
16-620-015	REP-P	98-15-157	25- 36-080	REP	98-05-027	50- 52-260	REP-XR	98-13-096
16-620-020	REP-P	98-15-157	25- 36-090	REP	98-05-027	50- 52-270	REP	98-16-105
16-620-030	REP-P	98-15-157	25- 36-100	REP	98-05-027	50- 52-270	REP-XR	98-13-096
16-620-080	REP-P	98-15-157	25- 36-110	REP	98-05-027	50- 52-280	REP	98-16-105
16-620-100	REP-P	98-15-157	25- 36-120	REP	98-05-027	50- 52-280	REP-XR	98-13-096
16-620-105	REP-P	98-15-157	25- 36-130	REP	98-05-027	50- 52-290	REP	98-16-105
16-620-150	REP-P	98-15-157	30- 04-020	PREP	98-09-082	50- 52-290	REP-XR	98-13-096
16-620-205	REP-P	98-15-157	30- 08-070	PREP	98-09-082	50- 52-300	REP	98-16-105
16-620-210	REP-P	98-15-157	30- 12-150	PREP	98-09-082	50- 52-300	REP-XR	98-13-096
16-620-230	REP-P	98-15-157	30- 18-040	PREP	98-09-082	50- 52-310	REP	98-16-105
16-620-240	REP-P	98-15-157	30- 22-070	PREP	98-09-082	50- 52-310	REP-XR	98-13-096
16-620-250	REP-P	98-15-157	30- 22-090	PREP	98-09-082	50- 52-320	REP	98-16-105
16-620-260	REP-P	98-15-157	44- 01-140	REP-XR	98-07-053	50- 52-320	REP-XR	98-13-096
16-620-275	REP-P	98-15-157	44- 01-140	REP	98-13-046	50- 52-330	REP	98-16-105
16-620-280	REP-P	98-15-157	50- 36	PREP	98-15-148	50- 52-330	REP-XR	98-13-096
16-620-290	REP-P	98-15-157	50- 52	PREP	98-13-096	50- 52-340	REP	98-16-105
16-620-340	REP-P	98-15-157	50- 52-010	REP	98-16-105	50- 52-340	REP-XR	98-13-096
16-620-350	REP-P	98-15-157	50- 52-010	REP-XR	98-13-096	50- 52-350	REP	98-16-105
16-620-380	REP-P	98-15-157	50- 52-020	REP	98-16-105	50- 52-350	REP-XR	98-13-096
16-620-390	REP-P	98-15-157	50- 52-020	REP-XR	98-13-096	50- 52-360	REP	98-16-105
16-620-400	REP-P	98-15-157	50- 52-030	REP	98-16-105	50- 52-360	REP-XR	98-13-096
16-620-410	REP-P	98-15-157	50- 52-030	REP-XR	98-13-096	50- 52-370	REP	98-16-105
16-657	PREP	98-07-068	50- 52-040	REP	98-16-105	50- 52-370	REP-XR	98-13-096
16-657-040	AMD	98-13-074	50- 52-040	REP-XR	98-13-096	50- 52-380	REP	98-16-105
16-657-040	AMD-P	98-10-120	50- 52-050	REP	98-16-105	50- 52-380	REP-XR	98-13-096
16-659	PREP	98-07-067	50- 52-050	REP-XR	98-13-096	50- 52-390	REP	98-16-105
16-659-001	REP	98-13-073	50- 52-060	REP	98-16-105	50- 52-390	REP-XR	98-13-096
16-659-001	REP-P	98-10-119	50- 52-060	REP-XR	98-13-096	50- 52-400	REP	98-16-105
16-659-002	NEW-P	98-10-119	50- 52-070	REP	98-16-105	50- 52-400	REP-XR	98-13-096
16-659-002	NEW	98-13-073	50- 52-070	REP-XR	98-13-096	50- 52-410	REP	98-16-105
16-659-010	AMD-P	98-10-119	50- 52-080	REP	98-16-105	50- 52-410	REP-XR	98-13-096
16-659-010	AMD	98-13-073	50- 52-080	REP-XR	98-13-096	50- 52-420	REP	98-16-105
16-662	PREP	98-07-069	50- 52-090	REP	98-16-105	50- 52-420	REP-XR	98-13-096
16-662-105	AMD-P	98-10-118	50- 52-090	REP-XR	98-13-096	50- 52-430	REP	98-16-105
16-662-105	AMD	98-13-072	50- 52-100	REP	98-16-105	50- 52-430	REP-XR	98-13-096
16-662-115	AMD-P	98-10-118	50- 52-100	REP-XR	98-13-096	50- 52-440	REP	98-16-105
16-662-115	AMD	98-13-072	50- 52-110	REP	98-16-105	50- 52-440	REP-XR	98-13-096
16-675-030	AMD-P	98-09-099	50- 52-110	REP-XR	98-13-096	50- 52-450	REP	98-16-105
16-675-030	AMD	98-12-030	50- 52-120	REP	98-16-105	50- 52-450	REP-XR	98-13-096
16-675-040	AMD-P	98-09-099	50- 52-120	REP-XR	98-13-096	50- 52-460	REP	98-16-105
16-675-040	AMD	98-12-030	50- 52-130	REP	98-16-105	50- 52-460	REP-XR	98-13-096
16-750	PREP	98-12-069	50- 52-130	REP-XR	98-13-096	50- 52-470	REP	98-16-105
16-752	PREP	98-04-077	50- 52-140	REP	98-16-105	50- 52-470	REP-XR	98-13-096
16-752-610	AMD-P	98-08-109	50- 52-140	REP-XR	98-13-096	50- 52-480	REP	98-16-105
16-752-610	AMD	98-13-008	50- 52-150	REP	98-16-105	50- 52-480	REP-XR	98-13-096
24- 12-010	AMD	98-18-060	50- 52-150	REP-XR	98-13-096	50- 52-490	REP	98-16-105
24- 12-010	AMD-P	98-13-121	50- 52-160	REP	98-16-105	50- 52-490	REP-XR	98-13-096
25- 18-010	REP	98-05-027	50- 52-160	REP-XR	98-13-096	50- 52-500	REP	98-16-105
25- 18-020	REP	98-05-027	50- 52-170	REP	98-16-105	50- 52-500	REP-XR	98-13-096
25- 18-030	REP	98-05-027	50- 52-170	REP-XR	98-13-096	50- 52-510	REP	98-16-105
25- 18-040	REP	98-05-027	50- 52-180	REP	98-16-105	50- 52-510	REP-XR	98-13-096
25- 18-050	REP	98-05-027	50- 52-180	REP-XR	98-13-096	50- 52-520	REP	98-16-105
25- 18-060	REP	98-05-027	50- 52-190	REP	98-16-105	50- 52-520	REP-XR	98-13-096
25- 18-070	REP	98-05-027	50- 52-190	REP-XR	98-13-096	50- 52-530	REP	98-16-105
25- 18-080	REP	98-05-027	50- 52-200	REP	98-16-105	50- 52-530	REP-XR	98-13-096
25- 18-090	REP	98-05-027	50- 52-200	REP-XR	98-13-096	50- 52-540	REP	98-16-105

TABLE OF SECTION AFFECTED

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
50-52-540	REP-XR	98-13-096	51-11-1120	AMD	98-03-003	51-27-004	REP	98-02-055
50-52-550	REP	98-16-105	51-11-1130	AMD	98-03-003	51-27-008	REP	98-02-055
50-52-550	REP-XR	98-13-096	51-11-1132	AMD	98-03-003	51-30-001	REP	98-02-054
50-52-560	REP	98-16-105	51-11-1133	AMD	98-03-003	51-30-002	REP	98-02-054
50-52-560	REP-XR	98-13-096	51-11-1210	AMD	98-03-003	51-30-003	REP	98-02-054
50-52-570	REP	98-16-105	51-11-1310	AMD-W	98-05-064	51-30-004	REP	98-02-054
50-52-570	REP-XR	98-13-096	51-11-1312	AMD	98-03-003	51-30-005	REP	98-02-054
50-52-580	REP	98-16-105	51-11-1322	AMD-W	98-05-064	51-30-007	REP	98-02-054
50-52-580	REP-XR	98-13-096	51-11-1323	AMD	98-03-003	51-30-008	REP	98-02-054
50-52-590	REP	98-16-105	51-11-1331	AMD	98-03-003	51-30-009	REP	98-02-054
50-52-590	REP-XR	98-13-096	51-11-1334	AMD	98-03-003	51-30-0100	REP	98-02-054
50-52-600	REP	98-16-105	51-11-1411	AMD	98-03-003	51-30-0104	REP	98-02-054
50-52-600	REP-XR	98-13-096	51-11-1412	AMD	98-03-003	51-30-0200	REP	98-02-054
50-52-610	REP	98-16-105	51-11-1414	AMD	98-03-003	51-30-0204	REP	98-02-054
50-52-610	REP-XR	98-13-096	51-11-1421	AMD	98-03-003	51-30-0207	REP	98-02-054
50-52-620	REP	98-16-105	51-11-1422	AMD	98-03-003	51-30-0217	REP	98-02-054
50-52-620	REP-XR	98-13-096	51-11-1423	AMD	98-03-003	51-30-0220	REP	98-02-054
50-52-630	REP	98-16-105	51-11-1433	AMD	98-03-003	51-30-0300	REP	98-02-054
50-52-630	REP-XR	98-13-096	51-11-1452	AMD	98-03-003	51-30-0302	REP	98-02-054
50-52-640	REP	98-16-105	51-11-1454	AMD	98-03-003	51-30-0304	REP	98-02-054
50-52-640	REP-XR	98-13-096	51-11-1512	AMD	98-03-003	51-30-0305	REP	98-02-054
51-04	PREP	98-13-052	51-11-1530	AMD	98-03-003	51-30-0307	REP	98-02-054
51-04-015	AMD	98-02-048	51-11-1701	AMD	98-03-003	51-30-0310	REP	98-02-054
51-04-015	AMD-P	98-15-150	51-11-2005	AMD	98-03-003	51-30-0313	REP	98-02-054
51-04-030	AMD-P	98-15-150	51-11-2006	AMD	98-03-003	51-30-0400	REP	98-02-054
51-04-060	AMD-P	98-15-150	51-11-2007	AMD	98-03-003	51-30-0403	REP	98-02-054
51-04-070	AMD	98-02-048	51-11-23110	REP-P	98-16-065	51-30-0405	REP	98-02-054
51-06-020	AMD	98-02-049	51-11-99903	AMD	98-03-003	51-30-0500	REP	98-02-054
51-06-120	AMD	98-02-049	51-11-99904	AMD	98-03-003	51-30-0510	REP	98-02-054
51-11	PREP	98-13-051	51-13-106	AMD	98-02-047	51-30-0600	REP	98-02-054
51-11	PREP	98-14-110	51-13-402	AMD	98-02-047	51-30-0601	REP	98-02-054
51-11-0101	AMD	98-03-003	51-13-502	AMD	98-02-047	51-30-0800	REP	98-02-054
51-11-0101	AMD-P	98-15-151	51-26-001	REP	98-02-055	51-30-0804	REP	98-02-054
51-11-0104	AMD	98-03-003	51-26-002	REP	98-02-055	51-30-0900	REP	98-02-054
51-11-0201	AMD	98-03-003	51-26-003	REP	98-02-055	51-30-0902	REP	98-02-054
51-11-0402	AMD	98-03-003	51-26-004	REP	98-02-055	51-30-0904	REP	98-02-054
51-11-0502	AMD	98-03-003	51-26-008	REP	98-02-055	51-30-1000	REP	98-02-054
51-11-0503	AMD-P	98-16-066	51-26-0300	REP	98-02-055	51-30-1001	REP	98-02-054
51-11-0503	AMD	98-03-003	51-26-0310	REP	98-02-055	51-30-1004	REP	98-02-054
51-11-0503	AMD-E	98-15-080	51-26-0315	REP	98-02-055	51-30-1005	REP	98-02-054
51-11-0504	AMD	98-03-003	51-26-0400	REP	98-02-055	51-30-1006	REP	98-02-054
51-11-0505	AMD-W	98-05-064	51-26-0401	REP	98-02-055	51-30-1007	REP	98-02-054
51-11-0525	AMD	98-03-003	51-26-0500	REP	98-02-055	51-30-1009	REP	98-02-054
51-11-0527	AMD	98-03-003	51-26-0503	REP	98-02-055	51-30-1014	REP	98-02-054
51-11-0530	AMD	98-03-003	51-26-0909	REP	98-02-055	51-30-1019	REP	98-02-054
51-11-0541	AMD	98-03-003	51-26-1000	REP	98-02-055	51-30-1030	REP	98-02-054
51-11-0602	AMD	98-03-003	51-26-1004	REP	98-02-055	51-30-1100	REP	98-02-054
51-11-0606	REP	98-03-003	51-26-1007	REP	98-02-055	51-30-1101	REP	98-02-054
51-11-0607	REP	98-03-003	51-26-1009	REP	98-02-055	51-30-1102	REP	98-02-054
51-11-0608	REP	98-03-003	51-26-1020	REP	98-02-055	51-30-1103	REP	98-02-054
51-11-0625	AMD	98-03-003	51-26-1301	REP	98-02-055	51-30-1104	REP	98-02-054
51-11-0626	AMD	98-03-003	51-26-1800	REP	98-02-055	51-30-1105	REP	98-02-054
51-11-0627	AMD	98-03-003	51-26-1801	REP	98-02-055	51-30-1106	REP	98-02-054
51-11-0628	AMD	98-03-003	51-26-1802	REP	98-02-055	51-30-1107	REP	98-02-054
51-11-0629	AMD	98-03-003	51-26-1803	REP	98-02-055	51-30-1108	REP	98-02-054
51-11-0630	AMD	98-03-003	51-26-1804	REP	98-02-055	51-30-1109	REP	98-02-054
51-11-0701	AMD	98-03-003	51-26-1810	REP	98-02-055	51-30-1110	REP	98-02-054
51-11-0800	AMD	98-03-003	51-26-1820	REP	98-02-055	51-30-1111	REP	98-02-054
51-11-1002	AMD	98-03-003	51-26-1830	REP	98-02-055	51-30-1112	REP	98-02-054
51-11-1003	AMD	98-03-003	51-26-1840	REP	98-02-055	51-30-1113	REP	98-02-054
51-11-1004	AMD	98-03-003	51-26-1845	REP	98-02-055	51-30-1114	REP	98-02-054
51-11-1005	AMD	98-03-003	51-26-2200	REP	98-02-055	51-30-1120	REP	98-02-054
51-11-1006	AMD	98-03-003	51-26-2300	REP	98-02-055	51-30-1121	REP	98-02-054
51-11-1007	AMD	98-03-003	51-26-2301	REP	98-02-055	51-30-1122	REP	98-02-054
51-11-1008	AMD	98-03-003	51-27-001	REP	98-02-055	51-30-1123	REP	98-02-054
51-11-1009	AMD	98-03-003	51-27-002	REP	98-02-055	51-30-1124	REP	98-02-054
51-11-1010	REP	98-03-003	51-27-003	REP	98-02-055	51-30-1125	REP	98-02-054

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-30-1200	REP	98-02-054	51-34-003	REP	98-02-053	51-35-002	REP	98-02-053
51-30-1203	REP	98-02-054	51-34-007	REP	98-02-053	51-35-003	REP	98-02-053
51-30-1600	REP	98-02-054	51-34-008	REP	98-02-053	51-35-007	REP	98-02-053
51-30-1614	REP	98-02-054	51-34-0200	REP	98-02-053	51-35-008	REP	98-02-053
51-30-1700	REP	98-02-054	51-34-0206	REP	98-02-053	51-35-52000	REP	98-02-053
51-30-1702	REP	98-02-054	51-34-0216	REP	98-02-053	51-35-52400	REP	98-02-053
51-30-1900	REP	98-02-054	51-34-0219	REP	98-02-053	51-35-52440	REP	98-02-053
51-30-1909	REP	98-02-054	51-34-0223	REP	98-02-053	51-35-52441	REP	98-02-053
51-30-2200	REP	98-02-054	51-34-0900	REP	98-02-053	51-35-52442	REP	98-02-053
51-30-2211	REP	98-02-054	51-34-0901	REP	98-02-053	51-35-52500	REP	98-02-053
51-30-2400	REP	98-02-054	51-34-0902	REP	98-02-053	51-35-52510	REP	98-02-053
51-30-2406	REP	98-02-054	51-34-1000	REP	98-02-053	51-35-52520	REP	98-02-053
51-30-2900	REP	98-02-054	51-34-1003	REP	98-02-053	51-35-52530	REP	98-02-053
51-30-2902	REP	98-02-054	51-34-1007	REP	98-02-053	51-35-52540	REP	98-02-053
51-30-2903	REP	98-02-054	51-34-2500	REP	98-02-053	51-35-52550	REP	98-02-053
51-30-2904	REP	98-02-054	51-34-2501	REP	98-02-053	51-35-52560	REP	98-02-053
51-30-2910	REP	98-02-054	51-34-5200	REP	98-02-053	51-35-52570	REP	98-02-053
51-30-3102	REP	98-02-054	51-34-5201	REP	98-02-053	51-35-52580	REP	98-02-053
51-30-31200	REP	98-02-054	51-34-5204	REP	98-02-053	51-35-52590	REP	98-02-053
51-30-31201	REP	98-02-054	51-34-6100	REP	98-02-053	51-35-52600	REP	98-02-053
51-30-31202	REP	98-02-054	51-34-6103	REP	98-02-053	51-40	PREP	98-14-125
51-30-31203	REP	98-02-054	51-34-6104	REP	98-02-053	51-40-001	NEW	98-02-054
51-30-31204	REP	98-02-054	51-34-6105	REP	98-02-053	51-40-002	NEW	98-02-054
51-30-31205	REP	98-02-054	51-34-6106	REP	98-02-053	51-40-003	NEW	98-02-054
51-30-31206	REP	98-02-054	51-34-6107	REP	98-02-053	51-40-004	NEW	98-02-054
51-30-31207	REP	98-02-054	51-34-6301	REP	98-02-053	51-40-005	NEW	98-02-054
51-30-31208	REP	98-02-054	51-34-6302	REP	98-02-053	51-40-007	NEW	98-02-054
51-30-31209	REP	98-02-054	51-34-6303	REP	98-02-053	51-40-007	PREP	98-13-051
51-30-31210	REP	98-02-054	51-34-6304	REP	98-02-053	51-40-007	AMD-P	98-15-151
51-30-3400	REP	98-02-054	51-34-6305	REP	98-02-053	51-40-008	NEW	98-02-054
51-30-3404	REP	98-02-054	51-34-6306	REP	98-02-053	51-40-009	NEW	98-02-054
51-30-93115	REP	98-02-054	51-34-6307	REP	98-02-053	51-40-0200	NEW	98-02-054
51-30-93116	REP	98-02-054	51-34-6308	REP	98-02-053	51-40-0302	NEW	98-02-054
51-30-93117	REP	98-02-054	51-34-6309	REP	98-02-053	51-40-0303	NEW	98-02-054
51-30-93118	REP	98-02-054	51-34-6310	REP	98-02-053	51-40-0304	NEW	98-02-054
51-30-93119	REP	98-02-054	51-34-6311	REP	98-02-053	51-40-0305	NEW	98-02-054
51-30-93120	REP	98-02-054	51-34-6312	REP	98-02-053	51-40-0307	NEW	98-02-054
51-32-001	REP	98-02-056	51-34-6313	REP	98-02-053	51-40-0308	NEW	98-02-054
51-32-002	REP	98-02-056	51-34-6314	REP	98-02-053	51-40-0310	NEW	98-02-054
51-32-003	REP	98-02-056	51-34-6315	REP	98-02-053	51-40-0311	NEW	98-02-054
51-32-004	REP	98-02-056	51-34-6316	REP	98-02-053	51-40-0313	NEW	98-02-054
51-32-005	REP	98-02-056	51-34-6317	REP	98-02-053	51-40-0403	NEW	98-02-054
51-32-007	REP	98-02-056	51-34-6318	REP	98-02-053	51-40-0405	NEW	98-02-054
51-32-008	REP	98-02-056	51-34-6319	REP	98-02-053	51-40-0510	NEW	98-02-054
51-32-0200	REP	98-02-056	51-34-6320	REP	98-02-053	51-40-0804	NEW	98-02-054
51-32-0223	REP	98-02-056	51-34-6321	REP	98-02-053	51-40-0902	NEW	98-02-054
51-32-0300	REP	98-02-056	51-34-6322	REP	98-02-053	51-40-0904	NEW	98-02-054
51-32-0327	REP	98-02-056	51-34-6323	REP	98-02-053	51-40-1000	NEW	98-02-054
51-32-0500	REP	98-02-056	51-34-6324	REP	98-02-053	51-40-1002	NEW	98-02-054
51-32-0504	REP	98-02-056	51-34-7800	REP	98-02-053	51-40-1003	NEW	98-02-054
51-32-0600	REP	98-02-056	51-34-7802	REP	98-02-053	51-40-1004	NEW	98-02-054
51-32-0601	REP	98-02-056	51-34-7900	REP	98-02-053	51-40-1007	NEW	98-02-054
51-32-0605	REP	98-02-056	51-34-7902	REP	98-02-053	51-40-1091	NEW	98-02-054
51-32-1100	REP	98-02-056	51-34-7904	REP	98-02-053	51-40-1100	NEW	98-02-054
51-32-1101	REP	98-02-056	51-34-8000	REP	98-02-053	51-40-1101	NEW	98-02-054
51-32-1102	REP	98-02-056	51-34-8001	REP	98-02-053	51-40-1102	NEW	98-02-054
51-32-1103	REP	98-02-056	51-34-8003	REP	98-02-053	51-40-1103	NEW	98-02-054
51-32-1104	REP	98-02-056	51-34-9100	REP	98-02-053	51-40-1104	NEW	98-02-054
51-32-1105	REP	98-02-056	51-34-9101	REP	98-02-053	51-40-1105	NEW	98-02-054
51-32-1106	REP	98-02-056	51-34-9102	REP	98-02-053	51-40-1106	NEW	98-02-054
51-32-1107	REP	98-02-056	51-34-9103	REP	98-02-053	51-40-1107	NEW	98-02-054
51-32-1108	REP	98-02-056	51-34-9104	REP	98-02-053	51-40-1108	NEW	98-02-054
51-32-1300	REP	98-02-056	51-34-9105	REP	98-02-053	51-40-1109	NEW	98-02-054
51-32-1312	REP	98-02-056	51-34-9106	REP	98-02-053	51-40-1110	NEW	98-02-054
51-32-1313	REP	98-02-056	51-34-9107	REP	98-02-053	51-40-1111	NEW	98-02-054
51-34-001	REP	98-02-053	51-34-9108	REP	98-02-053	51-40-1112	NEW	98-02-054
51-34-002	REP	98-02-053	51-35-001	REP	98-02-053	51-40-1113	NEW	98-02-054

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-40-1114	NEW	98-02-054	51-44-0103	NEW	98-02-053	51-46-0525	NEW	98-02-055
51-40-1191	NEW	98-02-054	51-44-0200	NEW	98-02-053	51-46-0600	NEW	98-02-055
51-40-1192	NEW	98-02-054	51-44-0900	NEW	98-02-053	51-46-0603	NEW	98-02-055
51-40-1193	NEW	98-02-054	51-44-1003	NEW	98-02-053	51-46-0604	NEW	98-02-055
51-40-1194	NEW	98-02-054	51-44-1007	NEW	98-02-053	51-46-0608	NEW	98-02-055
51-40-1195	NEW	98-02-054	51-44-10210	NEW	98-02-053	51-46-0609	NEW	98-02-055
51-40-1196	NEW	98-02-054	51-44-1109	NEW	98-02-053	51-46-0610	NEW	98-02-055
51-40-1203	NEW	98-02-054	51-44-2500	NEW	98-02-053	51-46-0700	NEW	98-02-055
51-40-1506	NEW-W	98-05-065	51-44-5200	NEW	98-02-053	51-46-0701	NEW	98-02-055
51-40-1616	NEW	98-02-054	51-44-6100	NEW	98-02-053	51-46-0704	NEW	98-02-055
51-40-1702	NEW	98-02-054	51-44-6300	NEW	98-02-053	51-46-0710	NEW	98-02-055
51-40-1909	NEW	98-02-054	51-44-7404	NEW	98-02-053	51-46-0713	NEW	98-02-055
51-40-23110	REP-P	98-16-065	51-44-7802	NEW	98-02-053	51-46-0793	NEW	98-02-055
51-40-23110	NEW	98-02-054	51-44-7900	NEW	98-02-053	51-46-0800	NEW	98-02-055
51-40-2406	NEW	98-02-054	51-44-8000	NEW	98-02-053	51-46-0810	NEW	98-02-055
51-40-2900	NEW	98-02-054	51-45-001	NEW	98-02-053	51-46-0814	NEW	98-02-055
51-40-2929	NEW	98-02-054	51-45-002	NEW	98-02-053	51-46-0815	NEW	98-02-055
51-40-3004	NEW	98-02-054	51-45-003	NEW	98-02-053	51-46-0900	NEW	98-02-055
51-40-3102	NEW	98-02-054	51-45-007	NEW	98-02-053	51-46-0903	NEW	98-02-055
51-40-31200	NEW	98-02-054	51-45-008	NEW	98-02-053	51-46-1000	NEW	98-02-055
51-40-3404	NEW	98-02-054	51-45-80400	NEW	98-02-053	51-46-1003	NEW	98-02-055
51-40-93115	NEW	98-02-054	51-46-001	NEW	98-02-055	51-46-1012	NEW	98-02-055
51-40-93116	NEW	98-02-054	51-46-002	NEW	98-02-055	51-46-1012	NEW	98-02-055
51-40-93117	NEW	98-02-054	51-46-003	NEW	98-02-055	51-46-1300	NEW	98-02-055
51-40-93118	NEW	98-02-054	51-46-007	NEW	98-02-055	51-46-1301	NEW	98-02-055
51-40-93119	NEW	98-02-054	51-46-007	PREP	98-13-051	51-46-1302	NEW	98-02-055
51-40-93120	NEW	98-02-054	51-46-007	AMD-P	98-15-151	51-46-1303	NEW	98-02-055
51-42-001	NEW	98-02-056	51-46-008	NEW	98-02-055	51-46-1304	NEW	98-02-055
51-42-002	NEW	98-02-056	51-46-0100	NEW	98-02-055	51-46-1305	NEW	98-02-055
51-42-003	NEW	98-02-056	51-46-0101	NEW	98-02-055	51-46-1400	NEW	98-02-055
51-42-004	NEW	98-02-056	51-46-0102	NEW	98-02-055	51-46-1401	NEW	98-02-055
51-42-005	NEW	98-02-056	51-46-0103	NEW	98-02-055	51-46-1491	NEW	98-02-055
51-42-007	NEW	98-02-056	51-46-0103	NEW	98-02-055	51-46-97120	NEW	98-02-055
51-42-007	AMD-P	98-15-151	51-46-0200	NEW	98-02-055	51-46-97121	NEW	98-02-055
51-42-007	PREP	98-13-051	51-46-0205	NEW	98-02-055	51-46-97122	NEW	98-02-055
51-42-008	NEW	98-02-056	51-46-0215	NEW	98-02-055	51-46-97123	NEW	98-02-055
51-42-0200	NEW	98-02-056	51-46-0218	NEW	98-02-055	51-46-97124	NEW	98-02-055
51-42-0223	NEW	98-02-056	51-46-0300	NEW	98-02-055	51-46-97125	NEW	98-02-055
51-42-0223	NEW	98-02-056	51-46-0301	NEW	98-02-055	51-46-97126	NEW	98-02-055
51-42-0303	NEW	98-02-056	51-46-0310	NEW	98-02-055	51-46-97127	NEW	98-02-055
51-42-0504	NEW	98-02-056	51-46-0311	NEW	98-02-055	51-46-97128	NEW	98-02-055
51-42-0600	NEW	98-02-056	51-46-0313	NEW	98-02-055	51-46-97129	NEW	98-02-055
51-42-0601	NEW	98-02-056	51-46-0314	NEW	98-02-055	51-47-001	NEW	98-02-055
51-42-0605	NEW	98-02-056	51-46-0316	NEW	98-02-055	51-47-002	NEW	98-02-055
51-42-0901	NEW	98-02-056	51-46-0392	NEW	98-02-055	51-47-003	NEW	98-02-055
51-42-1000	NEW	98-02-056	51-46-0400	NEW	98-02-055	51-47-007	NEW	98-02-055
51-42-1002	NEW	98-02-056	51-46-0402	NEW	98-02-055	51-47-008	NEW	98-02-055
51-42-1004	NEW	98-02-056	51-46-0412	NEW	98-02-055	82-24-010	REP	98-18-017
51-42-1005	NEW	98-02-056	51-46-0413	NEW	98-02-055	82-24-010	REP-XR	98-14-066
51-42-1100	NEW	98-02-056	51-46-0500	NEW	98-02-055	82-24-020	REP	98-18-017
51-42-1101	NEW	98-02-056	51-46-0501	NEW	98-02-055	82-24-020	REP-XR	98-14-066
51-42-1102	NEW	98-02-056	51-46-0502	NEW	98-02-055	82-24-030	REP	98-18-017
51-42-1103	NEW	98-02-056	51-46-0505	NEW	98-02-055	82-24-030	REP-XR	98-14-066
51-42-1104	NEW	98-02-056	51-46-0507	NEW	98-02-055	82-24-040	REP	98-18-017
51-42-1105	NEW	98-02-056	51-46-0509	NEW	98-02-055	82-24-040	REP-XR	98-14-066
51-42-1106	NEW	98-02-056	51-46-0512	NEW	98-02-055	82-24-050	REP	98-18-017
51-42-1107	NEW	98-02-056	51-46-0513	NEW	98-02-055	82-24-050	REP-XR	98-14-066
51-42-1108	NEW	98-02-056	51-46-0514	NEW	98-02-055	82-24-060	REP	98-18-017
51-42-1311	NEW	98-02-056	51-46-0515	NEW	98-02-055	82-24-060	REP-XR	98-14-066
51-42-1312	NEW	98-02-056	51-46-0516	NEW	98-02-055	82-24-070	REP	98-18-017
51-42-1401	NEW	98-02-056	51-46-0517	NEW	98-02-055	82-24-070	REP-XR	98-14-066
51-44-001	NEW	98-02-053	51-46-0518	NEW	98-02-055	82-24-080	REP	98-18-017
51-44-002	NEW	98-02-053	51-46-0519	NEW	98-02-055	82-24-080	REP-XR	98-14-066
51-44-003	NEW	98-02-053	51-46-0520	NEW	98-02-055	82-24-090	REP	98-18-017
51-44-007	NEW	98-02-053	51-46-0521	NEW	98-02-055	82-24-090	REP-XR	98-14-066
51-44-007	PREP	98-13-051	51-46-0522	NEW	98-02-055	82-24-100	REP	98-18-017
51-44-007	AMD-P	98-15-151	51-46-0523	NEW	98-02-055	82-24-100	REP-XR	98-14-066
51-44-008	NEW	98-02-053	51-46-0524	NEW	98-02-055	82-24-110	REP	98-18-017

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
82-24-110	REP-XR	98-14-066	82-36-050	REP	98-18-014	118-40-180	AMD	98-07-028
82-24-120	REP	98-18-017	82-36-050	REP-XR	98-14-016	118-40-190	REP	98-07-028
82-24-120	REP-XR	98-14-066	82-36-060	REP	98-18-014	118-40-300	AMD	98-07-028
82-24-130	REP	98-18-017	82-36-060	REP-XR	98-14-016	118-40-400	AMD	98-07-028
82-24-130	REP-XR	98-14-066	82-36-070	REP	98-18-014	130-10	PREP	98-15-120
82-28-010	REP	98-18-018	82-36-070	REP-XR	98-14-016	131-08	AMD-C	98-07-059
82-28-010	REP-XR	98-14-065	82-36-080	REP	98-18-014	131-08-005	AMD-P	98-10-074
82-28-020	REP	98-18-018	82-36-080	REP-XR	98-14-016	131-08-005	AMD-P	98-06-071
82-28-020	REP-XR	98-14-065	82-36-090	REP	98-18-014	131-08-005	AMD	98-15-002
82-28-030	REP	98-18-018	82-36-090	REP-XR	98-14-016	131-08-007	AMD-P	98-10-074
82-28-030	REP-XR	98-14-065	82-36-120	REP	98-18-014	131-08-007	AMD-P	98-06-071
82-28-040	REP	98-18-018	82-36-120	REP-XR	98-14-016	131-08-007	AMD	98-15-002
82-28-040	REP-XR	98-14-065	82-36-130	REP	98-18-014	131-08-008	AMD-P	98-06-071
82-28-050	REP	98-18-018	82-36-130	REP-XR	98-14-016	131-08-008	AMD-P	98-10-074
82-28-050	REP-XR	98-14-065	82-36-140	REP	98-18-014	131-08-008	AMD	98-15-002
82-28-060	REP	98-18-018	82-36-140	REP-XR	98-14-016	131-12	AMD-C	98-07-059
82-28-060	REP-XR	98-14-065	82-36-150	REP	98-18-014	131-12-020	AMD-P	98-06-069
82-28-06001	REP	98-18-018	82-36-150	REP-XR	98-14-016	131-12-020	AMD	98-15-011
82-28-06001	REP-XR	98-14-065	82-40-010	REP	98-18-016	131-12-030	AMD-P	98-06-069
82-28-070	REP	98-18-018	82-40-010	REP-XR	98-14-017	131-12-030	AMD	98-15-011
82-28-070	REP-XR	98-14-065	82-40-020	REP	98-18-016	131-12-040	AMD-P	98-06-069
82-28-080	REP	98-18-018	82-40-020	REP-XR	98-14-017	131-12-040	AMD	98-15-011
82-28-080	REP-XR	98-14-065	82-40-030	REP	98-18-016	131-12-041	AMD-P	98-06-069
82-28-090	REP	98-18-018	82-40-030	REP-XR	98-14-017	131-12-041	AMD	98-15-011
82-28-090	REP-XR	98-14-065	82-40-040	REP	98-18-016	131-16	AMD-C	98-08-028
82-28-100	REP	98-18-018	82-40-040	REP-XR	98-14-017	131-16-010	AMD-P	98-06-075
82-28-100	REP-XR	98-14-065	82-40-050	REP	98-18-016	131-16-010	AMD-E	98-09-044
82-28-110	REP	98-18-018	82-40-050	REP-XR	98-14-017	131-16-010	AMD	98-14-033
82-28-110	REP-XR	98-14-065	82-40-060	REP	98-18-016	131-16-011	AMD-P	98-06-075
82-28-120	REP	98-18-018	82-40-060	REP-XR	98-14-017	131-16-011	AMD-E	98-09-044
82-28-120	REP-XR	98-14-065	82-40-070	REP	98-18-016	131-16-011	AMD	98-14-033
82-28-130	REP	98-18-018	82-40-070	REP-XR	98-14-017	131-16-015	REP-P	98-06-075
82-28-130	REP-XR	98-14-065	82-44-010	REP	98-18-015	131-16-021	AMD-E	98-09-044
82-28-135	REP	98-18-018	82-44-010	REP-XR	98-14-015	131-16-021	AMD-P	98-06-075
82-28-135	REP-XR	98-14-065	82-44-020	REP	98-18-015	131-16-021	AMD	98-14-033
82-28-140	REP	98-18-018	82-44-020	REP-XR	98-14-015	131-16-031	AMD-P	98-06-075
82-28-140	REP-XR	98-14-065	82-44-030	REP	98-18-015	131-16-031	AMD-E	98-09-044
82-28-150	REP	98-18-018	82-44-030	REP-XR	98-14-015	131-16-031	AMD	98-14-033
82-28-150	REP-XR	98-14-065	82-44-040	REP	98-18-015	131-16-040	REP-P	98-06-075
82-28-160	REP	98-18-018	82-44-040	REP-XR	98-14-015	131-16-045	AMD-P	98-06-075
82-28-160	REP-XR	98-14-065	82-44-050	REP	98-18-015	131-16-045	AMD-E	98-09-044
82-28-170	REP	98-18-018	82-44-050	REP-XR	98-14-015	131-16-045	AMD	98-14-033
82-28-170	REP-XR	98-14-065	82-44-060	REP	98-18-015	131-16-050	AMD-E	98-09-044
82-28-180	REP	98-18-018	82-44-060	REP-XR	98-14-015	131-16-050	AMD-P	98-06-075
82-28-180	REP-XR	98-14-065	82-44-070	REP	98-18-015	131-16-050	AMD	98-14-033
82-28-190	REP	98-18-018	82-44-070	REP-XR	98-14-015	131-16-055	AMD-E	98-09-044
82-28-190	REP-XR	98-14-065	82-44-080	REP	98-18-015	131-16-055	AMD-P	98-06-075
82-28-200	REP	98-18-018	82-44-080	REP-XR	98-14-015	131-16-055	AMD	98-14-033
82-28-200	REP-XR	98-14-065	82-44-090	REP	98-18-015	131-16-056	AMD-E	98-09-044
82-28-210	REP	98-18-018	82-44-090	REP-XR	98-14-015	131-16-056	AMD-P	98-06-075
82-28-210	REP-XR	98-14-065	82-50-021	AMD-P	98-09-084	131-16-056	AMD	98-14-033
82-28-220	REP	98-18-018	82-50-021	AMD	98-14-079	131-16-060	REP-P	98-06-075
82-28-220	REP-XR	98-14-065	98-70-010	PREP	98-11-039	131-16-061	AMD-P	98-06-075
82-28-230	REP	98-18-018	98-70-010	AMD-P	98-15-100	131-16-061	AMD-E	98-09-044
82-28-230	REP-XR	98-14-065	118-40-010	AMD	98-07-028	131-16-061	AMD	98-14-033
82-36-010	REP	98-18-014	118-40-020	AMD	98-07-028	131-16-062	REP-P	98-06-075
82-36-010	REP-XR	98-14-016	118-40-030	AMD	98-07-028	131-16-065	REP-P	98-06-075
82-36-020	REP	98-18-014	118-40-040	AMD	98-07-028	131-16-066	REP-P	98-06-075
82-36-020	REP-XR	98-14-016	118-40-050	AMD	98-07-028	131-16-080	AMD-P	98-10-113
82-36-030	REP	98-18-014	118-40-060	AMD	98-07-028	131-16-200	REP-XR	98-18-063
82-36-030	REP-XR	98-14-016	118-40-070	AMD	98-07-028	131-16-210	REP-P	98-10-113
82-36-033	REP	98-18-014	118-40-080	AMD	98-07-028	131-16-220	REP-P	98-10-113
82-36-033	REP-XR	98-14-016	118-40-090	REP	98-07-028	131-16-400	AMD-P	98-10-113
82-36-035	REP	98-18-014	118-40-100	REP	98-07-028	131-16-450	AMD-P	98-10-046
82-36-035	REP-XR	98-14-016	118-40-150	AMD	98-07-028	131-16-450	AMD	98-15-007
82-36-040	REP	98-18-014	118-40-160	AMD	98-07-028	131-24	AMD-C	98-07-059
82-36-040	REP-XR	98-14-016	118-40-170	AMD	98-07-028	131-24-010	AMD-P	98-06-073

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
131-24-010	AMD	98-15-010	131-46-040	REP-P	98-06-070	131-48-010	AMD	98-15-008
131-24-020	AMD-P	98-06-073	131-46-040	REP	98-15-009	131-48-040	AMD-P	98-10-045
131-24-020	AMD	98-15-010	131-46-045	REP-P	98-06-070	131-48-040	AMD	98-15-008
131-24-030	AMD-P	98-06-073	131-46-045	REP	98-15-009	131-48-060	AMD-P	98-10-045
131-24-030	AMD	98-15-010	131-46-050	REP-P	98-06-070	131-48-060	AMD	98-15-008
131-24-040	REP-P	98-06-073	131-46-050	REP	98-15-009	131-48-100	AMD-P	98-10-045
131-24-040	REP	98-15-010	131-46-055	REP-P	98-06-070	131-48-100	AMD	98-15-008
131-28	AMD-C	98-07-059	131-46-055	REP	98-15-009	131-276-010	AMD-P	98-10-111
131-28-005	NEW-XA	98-18-064	131-46-060	REP-P	98-06-070	131-276-020	AMD-P	98-10-111
131-28-005	NEW-P	98-06-072	131-46-060	REP	98-15-009	131-276-030	AMD-XA	98-18-064
131-28-015	AMD-XA	98-18-064	131-46-065	REP-P	98-06-070	131-276-040	AMD-P	98-10-111
131-28-015	AMD-P	98-10-047	131-46-065	REP	98-15-009	131-276-060	AMD-P	98-10-111
131-28-025	AMD-XA	98-18-064	131-46-070	REP-P	98-06-070	131-276-070	AMD-P	98-10-111
131-28-025	AMD-P	98-06-072	131-46-070	REP	98-15-009	131-276-990	AMD-P	98-10-111
131-28-02501	AMD-XA	98-18-064	131-46-075	REP-P	98-06-070	132B-120-010	AMD-P	98-05-049
131-28-02501	AMD-P	98-06-072	131-46-075	REP	98-15-009	132B-120-010	AMD	98-09-012
131-28-02501	AMD-P	98-10-047	131-46-080	REP-P	98-06-070	132B-120-020	AMD	98-09-012
131-28-026	AMD-XA	98-18-064	131-46-080	REP	98-15-009	132B-120-020	AMD-P	98-05-049
131-28-026	AMD-P	98-06-072	131-46-085	REP-P	98-06-070	132B-120-030	AMD	98-09-012
131-28-027	AMD-XA	98-18-064	131-46-085	REP	98-15-009	132B-120-030	AMD-P	98-05-049
131-28-027	AMD-P	98-06-072	131-46-090	REP-P	98-06-070	132B-120-040	AMD-P	98-05-049
131-28-045	AMD-XA	98-18-064	131-46-090	REP	98-15-009	132B-120-040	AMD	98-09-012
131-28-045	AMD-P	98-06-072	131-46-095	REP-P	98-06-070	132B-120-050	REP-XR	98-18-061
131-28-080	REP-XA	98-18-064	131-46-095	REP	98-15-009	132B-120-055	NEW-P	98-05-049
131-28-080	REP-P	98-06-072	131-46-105	REP-P	98-06-070	132B-120-055	NEW	98-09-012
131-28-085	REP-XA	98-18-064	131-46-105	REP	98-15-009	132B-120-060	REP-XR	98-18-061
131-28-085	REP-P	98-06-072	131-46-110	REP-P	98-06-070	132B-120-065	NEW-P	98-05-049
131-28-090	REP-XA	98-18-064	131-46-110	REP	98-15-009	132B-120-065	NEW	98-09-012
131-28-090	REP-P	98-06-072	131-46-115	REP-P	98-06-070	132B-120-070	REP-XR	98-18-061
131-32-010	AMD-P	98-10-044	131-46-115	REP	98-15-009	132B-120-075	NEW	98-09-012
131-32-020	AMD-P	98-10-044	131-46-120	REP-P	98-06-070	132B-120-075	NEW-P	98-05-049
131-32-030	AMD-P	98-10-112	131-46-120	REP	98-15-009	132B-120-080	AMD	98-09-012
131-32-035	AMD-P	98-10-112	131-46-125	REP-P	98-06-070	132B-120-080	AMD-P	98-05-049
131-36	AMD-P	98-06-074	131-46-125	REP	98-15-009	132B-120-085	NEW-P	98-05-049
131-36	AMD-C	98-07-059	131-47-020	AMD-P	98-10-043	132B-120-085	NEW	98-09-012
131-36	AMD	98-15-012	131-47-020	AMD	98-15-003	132B-120-090	REP-XR	98-18-061
131-36-010	AMD-P	98-06-074	131-47-025	AMD-P	98-10-043	132B-120-100	REP-XR	98-18-061
131-36-010	AMD	98-15-012	131-47-025	AMD	98-15-003	132B-120-110	REP-XR	98-18-061
131-36-050	AMD-P	98-06-074	131-47-045	AMD-P	98-10-043	132B-120-120	AMD-P	98-05-049
131-36-050	AMD	98-15-012	131-47-045	AMD	98-15-003	132B-120-120	AMD	98-09-012
131-36-055	NEW-P	98-06-074	131-47-050	AMD-P	98-10-043	132B-120-130	AMD	98-09-012
131-36-055	NEW	98-15-012	131-47-050	AMD	98-15-003	132B-120-130	AMD-P	98-05-049
131-36-100	AMD-P	98-06-074	131-47-055	AMD-P	98-10-043	132B-120-135	NEW-P	98-05-049
131-36-100	AMD	98-15-012	131-47-055	AMD	98-15-003	132B-120-135	NEW	98-09-012
131-36-150	AMD-P	98-06-074	131-47-090	AMD-P	98-10-043	132B-120-140	REP-XR	98-18-061
131-36-150	AMD	98-15-012	131-47-090	AMD	98-15-003	132B-120-150	REP-XR	98-18-061
131-36-200	AMD-P	98-06-074	131-47-095	AMD-P	98-10-043	132B-120-160	REP-XR	98-18-061
131-36-200	AMD	98-15-012	131-47-095	AMD	98-15-003	132B-120-170	AMD-P	98-05-049
131-36-250	AMD-P	98-06-074	131-47-110	AMD-P	98-10-043	132B-120-170	AMD	98-09-012
131-36-250	AMD	98-15-012	131-47-110	AMD	98-15-003	132B-120-180	AMD-P	98-05-049
131-36-300	AMD-P	98-06-074	131-47-115	REP-P	98-10-043	132B-120-180	AMD	98-09-012
131-36-300	AMD	98-15-012	131-47-115	REP	98-15-003	132B-120-190	AMD	98-09-012
131-40-010	AMD	98-15-006	131-47-120	REP-P	98-10-043	132B-120-190	AMD-P	98-05-049
131-40-010	AMD-P	98-10-114	131-47-120	REP	98-15-003	132B-120-200	AMD-P	98-05-049
131-46	REP-C	98-07-059	131-47-125	AMD-P	98-10-043	132B-120-200	AMD	98-09-012
131-46-020	REP-P	98-06-070	131-47-125	AMD	98-15-003	132B-120-210	NEW-P	98-05-049
131-46-020	REP	98-15-009	131-47-130	AMD-P	98-10-043	132B-120-210	NEW	98-09-012
131-46-025	REP-P	98-06-070	131-47-130	AMD	98-15-003	132B-120-220	NEW-P	98-05-049
131-46-025	REP	98-15-009	131-47-135	AMD-P	98-10-043	132B-120-220	NEW	98-09-012
131-46-027	REP-P	98-06-070	131-47-135	AMD	98-15-003	132E-16	PREP	98-11-098
131-46-027	REP	98-15-009	131-47-140	AMD-P	98-10-043	132E-16-001	AMD	98-17-074
131-46-029	REP-P	98-06-070	131-47-140	AMD	98-15-003	132E-16-001	AMD-P	98-14-109
131-46-029	REP	98-15-009	131-47-145	AMD-P	98-10-043	132E-16-003	NEW	98-17-074
131-46-030	REP-P	98-06-070	131-47-145	AMD	98-15-003	132E-16-003	NEW-P	98-14-109
131-46-030	REP	98-15-009	131-47-150	AMD-P	98-10-043	132E-16-005	AMD	98-17-074
131-46-035	REP-P	98-06-070	131-47-150	AMD	98-15-003	132E-16-005	AMD-P	98-14-109
131-46-035	REP	98-15-009	131-48-010	AMD-P	98-10-045	132E-16-008	NEW	98-17-074

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132E-16-008	NEW-P	98-14-109	132E-16-260	REP	98-17-074	136-14-030	AMD-P	98-17-051
132E-16-010	AMD	98-17-074	132E-16-260	REP-P	98-14-109	136-14-040	AMD-P	98-17-051
132E-16-010	AMD-P	98-14-109	132E-16-270	REP	98-17-074	136-14-060	AMD-P	98-17-051
132E-16-011	NEW	98-17-074	132E-16-270	REP-P	98-14-109	136-15-010	AMD-P	98-17-051
132E-16-011	NEW-P	98-14-109	132E-16-280	AMD	98-17-074	136-15-020	AMD-P	98-17-051
132E-16-012	NEW	98-17-074	132E-16-280	AMD-P	98-14-109	136-15-030	AMD-P	98-17-051
132E-16-012	NEW-P	98-14-109	132E-16-285	NEW	98-17-074	136-15-045	NEW-P	98-17-051
132E-16-013	NEW	98-17-074	132E-16-285	NEW-P	98-14-109	136-15-050	AMD-P	98-17-051
132E-16-013	NEW-P	98-14-109	132E-16-290	AMD	98-17-074	136-16-010	AMD-P	98-17-051
132E-16-014	NEW	98-17-074	132E-16-290	AMD-P	98-14-109	136-16-018	AMD-P	98-17-051
132E-16-014	NEW-P	98-14-109	132E-16-300	AMD	98-17-074	136-16-022	AMD-P	98-17-051
132E-16-015	NEW	98-17-074	132E-16-300	AMD-P	98-14-109	136-16-030	AMD-P	98-17-051
132E-16-015	NEW-P	98-14-109	132E-16-310	REP	98-17-074	136-16-035	NEW-P	98-17-051
132E-16-020	AMD	98-17-074	132E-16-310	REP-P	98-14-109	136-16-040	AMD-P	98-17-051
132E-16-020	AMD-P	98-14-109	132E-16-320	AMD	98-17-074	136-16-042	AMD-P	98-17-051
132E-16-030	AMD	98-17-074	132E-16-320	AMD-P	98-14-109	136-16-050	AMD-P	98-17-051
132E-16-030	AMD-P	98-14-109	132E-16-330	AMD	98-17-074	136-18-010	AMD-P	98-17-051
132E-16-040	AMD	98-17-074	132E-16-330	AMD-P	98-14-109	136-18-030	AMD-P	98-17-051
132E-16-040	AMD-P	98-14-109	132E-16-340	AMD	98-17-074	136-18-035	NEW-P	98-17-051
132E-16-050	REP	98-17-074	132E-16-340	AMD-P	98-14-109	136-18-060	AMD-P	98-17-051
132E-16-050	REP-P	98-14-109	132H-160-052	AMD	98-03-044	136-18-070	AMD-P	98-17-051
132E-16-060	REP	98-17-074	132N-300	PREP	98-09-032	136-18-080	AMD-P	98-17-051
132E-16-060	REP-P	98-14-109	132N-300-001	NEW-P	98-15-023	136-18-090	AMD-P	98-17-051
132E-16-070	AMD	98-17-074	132N-300-010	NEW-P	98-15-023	136-20	AMD-P	98-17-051
132E-16-070	AMD-P	98-14-109	132P-33	PREP	98-07-007	136-20-010	AMD-P	98-17-051
132E-16-080	REP	98-17-074	136-01-010	AMD-P	98-17-051	136-20-020	AMD-P	98-17-051
132E-16-080	REP-P	98-14-109	136-01-020	REP-P	98-17-051	136-20-030	AMD-P	98-17-051
132E-16-090	AMD	98-17-074	136-01-030	AMD-P	98-17-051	136-20-040	AMD-P	98-17-051
132E-16-090	AMD-P	98-14-109	136-02-010	AMD-P	98-17-051	136-20-060	AMD-P	98-17-051
132E-16-094	NEW	98-17-074	136-02-020	AMD-P	98-17-051	136-28-010	AMD-P	98-17-051
132E-16-094	NEW-P	98-14-109	136-03-010	AMD-P	98-17-051	136-28-030	AMD-P	98-17-051
132E-16-095	NEW	98-17-074	136-03-020	AMD-P	98-17-051	136-40-010	AMD-P	98-17-051
132E-16-095	NEW-P	98-14-109	136-03-030	AMD-P	98-17-051	136-60-010	AMD-P	98-17-051
132E-16-100	REP	98-17-074	136-03-040	AMD-P	98-17-051	136-60-020	AMD-P	98-17-051
132E-16-100	REP-P	98-14-109	136-03-050	AMD-P	98-17-051	136-60-030	AMD-P	98-17-051
132E-16-110	REP	98-17-074	136-03-060	AMD-P	98-17-051	136-60-040	AMD-P	98-17-051
132E-16-110	REP-P	98-14-109	136-03-070	AMD-P	98-17-051	136-60-050	AMD-P	98-17-051
132E-16-120	REP	98-17-074	136-03-090	AMD-P	98-17-051	136-60-060	AMD-P	98-17-051
132E-16-120	REP-P	98-14-109	136-03-100	AMD-P	98-17-051	136-70-010	NEW-P	98-17-051
132E-16-130	AMD	98-17-074	136-03-110	AMD-P	98-17-051	136-70-020	NEW-P	98-17-051
132E-16-130	AMD-P	98-14-109	136-04-010	AMD-P	98-17-051	136-70-030	NEW-P	98-17-051
132E-16-140	AMD	98-17-074	136-04-020	AMD-P	98-17-051	136-70-040	NEW-P	98-17-051
132E-16-140	AMD-P	98-14-109	136-04-040	AMD-P	98-17-051	136-70-050	NEW-P	98-17-051
132E-16-150	REP	98-17-074	136-04-050	AMD-P	98-17-051	136-70-060	NEW-P	98-17-051
132E-16-150	REP-P	98-14-109	136-04-055	AMD-P	98-17-051	136-70-070	NEW-P	98-17-051
132E-16-160	REP	98-17-074	136-04-060	AMD-P	98-17-051	136-70-080	NEW-P	98-17-051
132E-16-160	REP-P	98-14-109	136-04-070	AMD-P	98-17-051	136-70-090	NEW-P	98-17-051
132E-16-170	REP	98-17-074	136-04-080	AMD-P	98-17-051	136-100-010	AMD-P	98-17-051
132E-16-170	REP-P	98-14-109	136-04-090	AMD-P	98-17-051	136-100-020	AMD-P	98-17-051
132E-16-180	REP	98-17-074	136-04-100	AMD-P	98-17-051	136-100-030	AMD-P	98-17-051
132E-16-180	REP-P	98-14-109	136-04-110	AMD-P	98-17-051	136-100-035	NEW-P	98-17-051
132E-16-190	REP	98-17-074	136-10	AMD-P	98-17-051	136-100-040	AMD-P	98-17-051
132E-16-190	REP-P	98-14-109	136-10-010	AMD-P	98-17-051	136-100-050	NEW-P	98-17-051
132E-16-200	REP	98-17-074	136-10-020	AMD-P	98-17-051	136-100-060	NEW-P	98-17-051
132E-16-200	REP-P	98-14-109	136-10-030	AMD-P	98-17-051	136-130-010	AMD-P	98-17-051
132E-16-210	REP	98-17-074	136-10-040	AMD-P	98-17-051	136-130-020	AMD-P	98-17-051
132E-16-210	REP-P	98-14-109	136-10-050	AMD-P	98-17-051	136-130-030	AMD-P	98-17-051
132E-16-215	NEW	98-17-074	136-11-010	AMD-P	98-17-051	136-130-030	AMD-P	98-05-036
132E-16-215	NEW-P	98-14-109	136-11-020	AMD-P	98-17-051	136-130-030	AMD	98-09-070
132E-16-220	AMD	98-17-074	136-11-030	AMD-P	98-17-051	136-130-030	AMD-W	98-06-044
132E-16-220	AMD-P	98-14-109	136-12	AMD-P	98-17-051	136-130-030	AMD-P	98-06-045
132E-16-230	AMD	98-17-074	136-12-010	AMD-P	98-17-051	136-130-040	AMD-P	98-17-051
132E-16-230	AMD-P	98-14-109	136-12-020	AMD-P	98-17-051	136-130-040	AMD-P	98-06-045
132E-16-240	AMD	98-17-074	136-12-030	AMD-P	98-17-051	136-130-040	AMD	98-09-070
132E-16-240	AMD-P	98-14-109	136-12-060	AMD-P	98-17-051	136-130-040	AMD-W	98-06-044
132E-16-250	REP	98-17-074	136-12-070	AMD-P	98-17-051	136-130-040	AMD-P	98-05-036
132E-16-250	REP-P	98-14-109	136-14-010	AMD-P	98-17-051	136-130-050	AMD-P	98-17-051

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
136-130-060	AMD-P	98-17-051	136-220-020	AMD	98-09-070	162- 36-001	AMD	98-08-035
136-130-070	AMD-P	98-17-051	136-220-020	AMD-P	98-06-045	162- 36-005	AMD	98-08-035
136-130-080	AMD-P	98-17-051	136-220-030	AMD-P	98-06-045	162- 36-010	AMD	98-08-035
136-150-010	AMD-P	98-17-051	136-220-030	AMD-P	98-05-036	162- 36-020	AMD	98-08-035
136-150-020	AMD-P	98-17-051	136-220-030	AMD-W	98-06-044	162- 38	PREP	98-18-005
136-150-021	AMD-P	98-17-051	136-220-030	AMD	98-09-070	162- 38	AMD	98-08-035
136-150-022	AMD-P	98-17-051	136-300-010	AMD-P	98-17-051	162- 38-010	AMD	98-08-035
136-150-023	AMD-P	98-17-051	136-300-020	AMD-P	98-17-051	162- 38-040	AMD	98-08-035
136-150-024	AMD-P	98-17-051	136-300-030	AMD-P	98-17-051	162- 38-050	AMD	98-08-035
136-150-030	AMD-P	98-17-051	136-300-040	AMD-P	98-17-051	162- 38-060	AMD	98-08-035
136-150-040	AMD-P	98-17-051	136-300-050	NEW-P	98-17-051	162- 38-100	AMD	98-08-035
136-161-010	AMD-P	98-17-051	136-300-060	NEW-P	98-17-051	162- 38-120	AMD	98-08-035
136-161-020	AMD-P	98-17-051	136-300-070	NEW-P	98-17-051	162- 38-130	NEW	98-08-035
136-161-030	AMD-P	98-17-051	136-300-080	NEW-P	98-17-051	173- 03-010	AMD	98-16-052
136-161-040	AMD-P	98-17-051	136-300-090	NEW-P	98-17-051	173- 03-010	AMD-XA	98-11-099
136-161-050	AMD-P	98-17-051	136-400-010	AMD-P	98-17-051	173- 03-020	AMD	98-16-052
136-161-060	AMD-P	98-17-051	136-400-040	AMD-P	98-17-051	173- 03-020	AMD-XA	98-11-099
136-161-070	AMD-P	98-17-051	136-400-050	AMD-P	98-17-051	173- 03-030	AMD	98-16-052
136-161-070	AMD-P	98-06-045	136-400-060	AMD-P	98-17-051	173- 03-030	AMD-XA	98-11-099
136-161-070	AMD	98-09-070	136-400-070	AMD-P	98-17-051	173- 03-040	AMD	98-16-052
136-161-070	AMD-W	98-06-044	136-400-080	AMD-P	98-17-051	173- 03-040	AMD-XA	98-11-099
136-161-070	AMD-P	98-05-036	136-400-090	AMD-P	98-17-051	173- 03-050	AMD	98-16-052
136-161-080	AMD-P	98-17-051	136-400-100	AMD-P	98-17-051	173- 03-050	AMD-XA	98-11-099
136-161-080	AMD	98-09-070	136-400-110	AMD-P	98-17-051	173- 03-060	AMD	98-16-052
136-161-080	AMD-P	98-05-036	136-400-120	AMD-P	98-17-051	173- 03-060	AMD-XA	98-11-099
136-161-080	AMD-W	98-06-044	136-400-130	AMD-P	98-17-051	173- 03-070	AMD	98-16-052
136-161-080	AMD-P	98-06-045	137- 28-150	AMD	98-04-086	173- 03-070	AMD-XA	98-11-099
136-161-090	AMD-P	98-17-051	137- 28-190	AMD	98-04-086	173- 03-080	AMD	98-16-052
136-161-090	AMD-P	98-05-036	137-100-001	AMD-P	98-02-074	173- 03-080	AMD-XA	98-11-099
136-161-090	AMD	98-09-070	137-100-002	NEW	98-15-084	173- 03-090	AMD	98-16-052
136-161-090	AMD-W	98-06-044	137-100-010	AMD-P	98-02-074	173- 03-090	AMD-XA	98-11-099
136-161-090	AMD-P	98-06-045	137-100-011	NEW	98-15-084	173- 03-100	AMD	98-16-052
136-161-110	NEW-P	98-17-051	137-100-020	AMD-P	98-02-074	173- 03-100	AMD-XA	98-11-099
136-163-010	AMD-P	98-17-051	137-100-021	NEW	98-15-084	173- 20-640	AMD	98-09-098
136-163-020	AMD-P	98-17-051	137-100-030	AMD-P	98-02-074	173- 98	PREP	98-12-044
136-163-030	AMD-P	98-17-051	137-100-031	NEW	98-15-084	173-152	NEW-C	98-04-019
136-163-040	AMD-P	98-17-051	137-100-040	NEW-P	98-02-074	173-152-010	NEW-E	98-04-018
136-163-050	AMD-P	98-17-051	137-100-040	NEW-W	98-15-117	173-152-010	NEW	98-06-042
136-163-060	AMD-P	98-17-051	162- 16	PREP	98-18-005	173-152-020	NEW-E	98-04-018
136-165-010	AMD-P	98-17-051	162- 22	PREP	98-18-005	173-152-020	NEW	98-06-042
136-165-020	AMD-P	98-17-051	162- 22-010	AMD	98-08-035	173-152-025	NEW-E	98-04-018
136-165-030	AMD-P	98-17-051	162- 22-020	AMD	98-08-035	173-152-030	NEW	98-06-042
136-165-040	AMD-P	98-17-051	162- 22-030	AMD	98-08-035	173-152-040	NEW	98-06-042
136-165-050	AMD-P	98-17-051	162- 22-040	AMD	98-08-035	173-152-040	NEW-E	98-04-018
136-167-010	AMD-P	98-17-051	162- 22-050	AMD	98-08-035	173-152-050	NEW-E	98-04-018
136-167-020	AMD-P	98-17-051	162- 22-060	AMD	98-08-035	173-152-050	NEW	98-06-042
136-167-030	AMD-P	98-17-051	162- 22-070	AMD	98-08-035	173-152-060	NEW	98-06-042
136-167-040	AMD-P	98-17-051	162- 22-080	AMD	98-08-035	173-160	AMD-C	98-04-020
136-170-010	AMD-P	98-17-051	162- 22-090	AMD	98-08-035	173-160-010	AMD	98-08-032
136-170-020	AMD-P	98-17-051	162- 22-100	NEW	98-08-035	173-160-020	AMD-W	98-08-093
136-170-030	AMD-P	98-17-051	162- 26	PREP	98-18-005	173-160-020	REP-XR	98-08-061
136-170-040	AMD-P	98-17-051	162- 26	AMD	98-08-035	173-160-020	REP	98-13-112
136-180-010	AMD-P	98-17-051	162- 26-010	AMD	98-08-035	173-160-030	AMD	98-08-032
136-180-020	AMD-P	98-17-051	162- 26-020	AMD	98-08-035	173-160-040	AMD	98-08-032
136-180-030	AMD-P	98-17-051	162- 26-030	AMD	98-08-035	173-160-050	AMD	98-08-032
136-180-040	AMD-P	98-17-051	162- 26-040	AMD	98-08-035	173-160-055	REP	98-08-032
136-200-040	AMD-W	98-06-044	162- 26-050	AMD	98-08-035	173-160-061	NEW	98-08-032
136-200-040	AMD-P	98-06-045	162- 26-060	AMD	98-08-035	173-160-065	REP	98-08-032
136-200-040	AMD-P	98-05-036	162- 26-070	AMD	98-08-035	173-160-071	NEW	98-08-032
136-200-040	AMD	98-09-070	162- 26-080	AMD	98-08-035	173-160-075	REP	98-08-032
136-210-010	AMD-P	98-17-051	162- 26-090	AMD	98-08-035	173-160-085	REP	98-08-032
136-210-030	AMD	98-09-070	162- 26-100	AMD	98-08-035	173-160-095	REP	98-08-032
136-210-030	AMD-P	98-06-045	162- 26-110	AMD	98-08-035	173-160-101	NEW	98-08-032
136-210-030	AMD-W	98-06-044	162- 26-120	AMD	98-08-035	173-160-105	REP	98-08-032
136-210-030	AMD-P	98-05-036	162- 26-130	AMD	98-08-035	173-160-106	NEW	98-08-032
136-220-020	AMD-W	98-06-044	162- 26-140	AMD	98-08-035	173-160-111	AMD	98-18-104
136-220-020	AMD-P	98-05-036	162- 30	PREP	98-18-005	173-160-111	NEW	98-08-032

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-160-111	AMD-XA	98-14-075	173-160-435	REP	98-08-032	173-303-082	AMD	98-03-018
173-160-115	REP	98-08-032	173-160-440	NEW	98-08-032	173-303-090	AMD	98-03-018
173-160-121	NEW	98-08-032	173-160-445	REP	98-08-032	173-303-100	AMD	98-03-018
173-160-125	REP	98-08-032	173-160-450	NEW	98-08-032	173-303-104	AMD	98-03-018
173-160-131	NEW	98-08-032	173-160-455	REP	98-08-032	173-303-110	AMD	98-03-018
173-160-135	REP	98-08-032	173-160-460	AMD	98-18-104	173-303-120	AMD	98-03-018
173-160-141	NEW	98-08-032	173-160-460	NEW	98-08-032	173-303-140	AMD	98-03-018
173-160-151	NEW	98-08-032	173-160-460	AMD-XA	98-14-075	173-303-145	AMD	98-03-018
173-160-161	NEW	98-08-032	173-160-465	REP	98-08-032	173-303-160	AMD	98-03-018
173-160-171	NEW	98-08-032	173-160-475	REP	98-08-032	173-303-180	AMD	98-03-018
173-160-181	NEW	98-08-032	173-160-500	REP	98-08-032	173-303-201	AMD	98-03-018
173-160-191	NEW	98-08-032	173-160-510	REP	98-08-032	173-303-210	AMD	98-03-018
173-160-201	AMD	98-18-104	173-160-520	REP	98-08-032	173-303-230	AMD	98-03-018
173-160-201	NEW-E	98-10-033	173-160-530	REP	98-08-032	173-303-280	AMD	98-03-018
173-160-201	NEW	98-08-032	173-160-540	REP	98-08-032	173-303-282	AMD	98-03-018
173-160-201	AMD-XA	98-14-075	173-160-550	REP	98-08-032	173-303-300	AMD	98-03-018
173-160-205	REP	98-08-032	173-160-560	REP	98-08-032	173-303-335	AMD-W	98-05-062
173-160-211	NEW	98-08-032	173-160-990	AMD	98-18-104	173-303-350	AMD	98-03-018
173-160-215	REP	98-08-032	173-160-990	NEW	98-08-032	173-303-380	AMD	98-03-018
173-160-221	NEW	98-08-032	173-160-990	AMD-XA	98-14-075	173-303-395	AMD	98-03-018
173-160-225	REP	98-08-032	173-162	AMD-C	98-04-020	173-303-400	AMD	98-03-018
173-160-231	NEW	98-08-032	173-162-010	AMD	98-08-031	173-303-505	AMD	98-03-018
173-160-235	REP	98-08-032	173-162-020	AMD	98-08-031	173-303-520	AMD	98-03-018
173-160-241	NEW	98-08-032	173-162-025	NEW	98-08-031	173-303-522	NEW	98-03-018
173-160-245	REP	98-08-032	173-162-030	AMD	98-08-031	173-303-573	NEW	98-03-018
173-160-251	NEW	98-08-032	173-162-040	AMD	98-08-031	173-303-600	AMD	98-03-018
173-160-255	REP	98-08-032	173-162-050	AMD	98-08-031	173-303-610	AMD	98-03-018
173-160-261	NEW	98-08-032	173-162-055	NEW	98-08-031	173-303-620	AMD	98-03-018
173-160-265	REP	98-08-032	173-162-060	AMD	98-08-031	173-303-655	AMD-W	98-05-062
173-160-271	NEW	98-08-032	173-162-070	AMD	98-08-031	173-303-665	AMD	98-03-018
173-160-275	REP	98-08-032	173-162-075	NEW	98-08-031	173-303-675	AMD	98-03-018
173-160-281	NEW	98-08-032	173-162-080	AMD	98-08-031	173-303-800	AMD	98-03-018
173-160-285	REP	98-08-032	173-162-085	NEW	98-08-031	173-303-802	AMD	98-03-018
173-160-291	AMD	98-18-104	173-162-095	NEW	98-08-031	173-303-804	AMD	98-03-018
173-160-291	NEW	98-08-032	173-162-100	AMD-W	98-08-093	173-303-805	AMD	98-03-018
173-160-291	AMD-XA	98-14-075	173-162-120	AMD-W	98-08-093	173-303-806	AMD	98-03-018
173-160-295	REP	98-08-032	173-162-127	NEW-W	98-08-093	173-303-807	AMD	98-03-018
173-160-301	NEW	98-08-032	173-162-130	AMD-W	98-08-093	173-303-810	AMD	98-03-018
173-160-305	REP	98-08-032	173-162-140	AMD	98-08-031	173-303-815	AMD	98-03-018
173-160-311	NEW	98-08-032	173-162-165	NEW-W	98-08-093	173-303-830	AMD	98-03-018
173-160-315	REP	98-08-032	173-162-170	REP	98-08-031	173-303-840	AMD	98-03-018
173-160-321	NEW	98-08-032	173-162-190	AMD	98-08-031	173-303-900	AMD	98-03-018
173-160-325	REP	98-08-032	173-162-200	AMD	98-08-031	173-303-910	AMD	98-03-018
173-160-331	NEW	98-08-032	173-162-210	AMD	98-08-031	173-303-9903	AMD	98-03-018
173-160-335	REP	98-08-032	173-202	PREP	98-16-084	173-303-9904	AMD	98-03-018
173-160-341	NEW	98-08-032	173-202-020	AMD-W	98-17-073	173-303-9905	AMD	98-03-018
173-160-345	REP	98-08-032	173-202-020	AMD-S	98-04-021	173-308-010	NEW	98-05-101
173-160-351	NEW	98-08-032	173-202-020	AMD-E	98-07-103	173-308-020	NEW	98-05-101
173-160-355	REP	98-08-032	173-202-020	AMD	98-08-058	173-308-030	NEW	98-05-101
173-160-361	NEW	98-08-032	173-202-020	AMD-XA	98-03-071	173-308-040	NEW	98-05-101
173-160-365	REP	98-08-032	173-202-020	AMD-W	98-04-069	173-308-050	NEW	98-05-101
173-160-371	NEW	98-08-032	173-202-020	AMD	98-07-026	173-308-060	NEW	98-05-101
173-160-375	REP	98-08-032	173-202-020	AMD-S	98-13-115	173-308-070	NEW	98-05-101
173-160-381	NEW	98-08-032	173-202-020	AMD-E	98-13-083	173-308-080	NEW	98-05-101
173-160-385	REP	98-08-032	173-204	PREP	98-17-085	173-308-090	NEW	98-05-101
173-160-390	NEW	98-08-032	173-224-030	AMD	98-03-046	173-308-100	NEW	98-05-101
173-160-395	REP	98-08-032	173-224-040	AMD	98-03-046	173-308-110	NEW	98-05-101
173-160-400	NEW	98-08-032	173-224-050	AMD	98-03-046	173-308-120	NEW	98-05-101
173-160-405	REP	98-08-032	173-230	PREP	98-18-074	173-308-130	NEW	98-05-101
173-160-406	NEW	98-08-032	173-303-017	AMD	98-03-018	173-308-140	NEW	98-05-101
173-160-410	NEW	98-08-032	173-303-040	AMD	98-03-018	173-308-150	NEW	98-05-101
173-160-415	REP	98-08-032	173-303-045	AMD	98-03-018	173-308-160	NEW	98-05-101
173-160-420	AMD	98-18-104	173-303-070	AMD	98-03-018	173-308-170	NEW	98-05-101
173-160-420	AMD	98-08-032	173-303-071	AMD	98-03-018	173-308-180	NEW	98-05-101
173-160-420	AMD-XA	98-14-075	173-303-073	AMD	98-03-018	173-308-190	NEW	98-05-101
173-160-425	REP	98-08-032	173-303-077	NEW	98-03-018	173-308-200	NEW	98-05-101
173-160-430	NEW	98-08-032	173-303-081	AMD	98-03-018	173-308-210	NEW	98-05-101

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-308-220	NEW	98-05-101	180-16-180	REP-P	98-04-088	180-29-1075	AMD-P	98-14-147
173-308-230	NEW	98-05-101	180-16-180	REP	98-08-039	180-29-1076	REP-P	98-14-147
173-308-240	NEW	98-05-101	180-18-010	AMD	98-05-001	180-29-115	AMD-P	98-14-147
173-308-250	NEW	98-05-101	180-22-150	AMD	98-05-003	180-29-116	REP-P	98-14-147
173-308-260	NEW	98-05-101	180-25	PREP	98-06-007	180-29-155	AMD-P	98-14-147
173-308-270	NEW	98-05-101	180-25-005	AMD-P	98-14-145	180-29-200	AMD-P	98-14-147
173-308-275	NEW	98-05-101	180-25-025	AMD-P	98-14-145	180-30	PREP	98-06-001
173-308-280	NEW	98-05-101	180-25-031	REP-P	98-14-145	180-30-003	REP-P	98-14-148
173-308-290	NEW	98-05-101	180-25-040	AMD-P	98-14-145	180-30-005	REP-P	98-14-148
173-308-295	NEW	98-05-101	180-25-045	AMD-P	98-14-145	180-30-010	REP-P	98-14-148
173-308-300	NEW	98-05-101	180-25-050	REP-P	98-14-145	180-30-015	REP-P	98-14-148
173-308-310	NEW	98-05-101	180-25-055	AMD-P	98-14-145	180-30-030	REP-P	98-14-148
173-308-320	NEW	98-05-101	180-25-070	AMD-P	98-14-145	180-30-035	REP-P	98-14-148
173-308-900	NEW	98-05-101	180-26	PREP	98-06-006	180-30-040	REP-P	98-14-148
173-360-190	AMD-XA	98-10-091	180-26-005	AMD-P	98-14-146	180-30-050	REP-P	98-14-148
173-360-190	AMD	98-15-069	180-26-015	AMD-P	98-14-146	180-30-055	REP-P	98-14-148
173-400	PREP	98-06-090	180-26-020	AMD-P	98-14-146	180-30-060	REP-P	98-14-148
173-400-060	AMD-XA	98-10-034	180-26-030	REP-P	98-14-146	180-30-065	REP-P	98-14-148
173-400-060	AMD	98-15-129	180-26-040	AMD-P	98-14-146	180-30-071	REP-P	98-14-148
173-400-070	AMD-XA	98-10-034	180-26-057	AMD-P	98-14-146	180-30-075	REP-P	98-14-148
173-400-070	AMD	98-15-129	180-26-058	REP-P	98-14-146	180-30-100	REP-P	98-14-148
173-400-075	AMD-XA	98-10-034	180-27	PREP	98-06-005	180-30-105	REP-P	98-14-148
173-400-075	AMD	98-15-129	180-27-005	AMD-P	98-14-149	180-30-110	REP-P	98-14-148
173-400-105	AMD-XA	98-10-034	180-27-015	AMD-P	98-14-149	180-30-115	REP-P	98-14-148
173-400-105	AMD	98-15-129	180-27-016	AMD-P	98-14-149	180-30-116	REP-P	98-14-148
173-400-110	AMD-XA	98-10-034	180-27-019	AMD-P	98-14-149	180-30-117	REP-P	98-14-148
173-400-110	AMD	98-15-129	180-27-030	AMD-P	98-14-149	180-30-120	REP-P	98-14-148
173-400-115	AMD-P	98-09-097	180-27-035	AMD-P	98-14-149	180-30-125	REP-P	98-14-148
173-415	PREP	98-10-090	180-27-045	AMD-P	98-14-149	180-30-130	REP-P	98-14-148
173-430-030	AMD-P	98-08-079	180-27-050	AMD-P	98-14-149	180-30-135	REP-P	98-14-148
173-430-030	AMD	98-12-016	180-27-052	REP-P	98-14-149	180-30-200	REP-P	98-14-148
173-430-040	AMD-P	98-08-079	180-27-054	AMD-P	98-14-149	180-30-205	REP-P	98-14-148
173-430-040	AMD	98-12-016	180-27-056	PREP	98-16-095	180-30-210	REP-P	98-14-148
173-430-045	NEW-P	98-08-079	180-27-056	AMD-E	98-16-005	180-30-215	REP-P	98-14-148
173-430-045	NEW	98-12-016	180-27-056	AMD-P	98-14-149	180-30-220	REP-P	98-14-148
173-460-060	AMD	98-04-062	180-27-057	AMD-P	98-14-149	180-30-225	REP-P	98-14-148
173-460-060	AMD-P	98-10-034	180-27-058	REP-P	98-14-149	180-30-230	REP-P	98-14-148
173-460-060	AMD	98-15-129	180-27-060	AMD-P	98-14-149	180-30-250	REP-P	98-14-148
173-481	PREP	98-10-090	180-27-070	AMD-P	98-14-149	180-30-350	REP-P	98-14-148
173-490-203	REP	98-04-061	180-27-075	AMD-P	98-14-149	180-30-355	REP-P	98-14-148
173-531A-060	AMD	98-08-062	180-27-080	AMD-P	98-14-149	180-30-360	REP-P	98-14-148
173-532	PREP	98-18-103	180-27-082	NEW-P	98-14-149	180-30-365	REP-P	98-14-148
173-563-015	REP	98-08-062	180-27-083	NEW-P	98-14-149	180-30-370	REP-P	98-14-148
173-563-020	AMD	98-08-062	180-27-095	AMD-P	98-14-149	180-30-380	REP-P	98-14-148
173-806-020	AMD-P	98-12-092	180-27-105	AMD-P	98-14-149	180-30-400	REP-P	98-14-148
173-806-030	AMD-P	98-12-092	180-27-115	AMD-P	98-14-149	180-30-405	REP-P	98-14-148
173-806-050	AMD-P	98-12-092	180-27-120	AMD-P	98-14-149	180-30-406	REP-P	98-14-148
173-806-053	AMD-P	98-12-092	180-27-400	REP-P	98-14-149	180-30-407	REP-P	98-14-148
173-806-055	REP-P	98-12-092	180-27-415	AMD-P	98-14-149	180-30-408	REP-P	98-14-148
173-806-058	AMD-P	98-12-092	180-27-420	AMD-P	98-14-149	180-30-410	REP-P	98-14-148
173-806-065	AMD-P	98-12-092	180-27-425	AMD-P	98-14-149	180-30-415	REP-P	98-14-148
173-806-090	AMD-P	98-12-092	180-27-500	AMD-P	98-14-149	180-30-420	REP-P	98-14-148
173-806-100	AMD-P	98-12-092	180-27-505	AMD-P	98-14-149	180-30-425	REP-P	98-14-148
173-806-128	AMD-P	98-12-092	180-27-515	AMD-P	98-14-149	180-30-430	REP-P	98-14-148
173-806-130	AMD-P	98-12-092	180-27-530	AMD-P	98-14-149	180-30-435	REP-P	98-14-148
173-806-132	NEW-P	98-12-092	180-27-990	REP-P	98-14-149	180-30-440	REP-P	98-14-148
173-806-150	AMD-P	98-12-092	180-29	PREP	98-06-004	180-30-450	REP-P	98-14-148
173-806-160	AMD-P	98-12-092	180-29-005	AMD-P	98-14-147	180-30-455	REP-P	98-14-148
173-806-170	AMD-P	98-12-092	180-29-015	REP-P	98-14-147	180-30-460	REP-P	98-14-148
173-806-175	AMD-P	98-12-092	180-29-020	REP-P	98-14-147	180-30-465	REP-P	98-14-148
173-806-180	AMD-P	98-12-092	180-29-021	AMD-P	98-14-147	180-30-470	REP-P	98-14-148
173-806-185	AMD-P	98-12-092	180-29-025	AMD-P	98-14-147	180-30-475	REP-P	98-14-148
173-806-190	AMD-P	98-12-092	180-29-030	REP-P	98-14-147	180-30-480	REP-P	98-14-148
180-08-007	PREP	98-16-094	180-29-035	AMD-P	98-14-147	180-30-485	REP-P	98-14-148
180-16	PREP	98-16-098	180-29-080	AMD-P	98-14-147	180-30-490	REP-P	98-14-148
180-16-002	AMD	98-08-039	180-29-085	AMD-P	98-14-147	180-30-495	REP-P	98-14-148
180-16-002	AMD-P	98-04-088	180-29-090	AMD-P	98-14-147	180-30-500	REP-P	98-14-148

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-30-505	REP-P	98-14-148	180-39-030	REP	98-05-004	180-79A-433	AMD	98-15-028
180-30-510	REP-P	98-14-148	180-39-035	REP	98-05-004	180-82	PREP	98-16-098
180-30-515	REP-P	98-14-148	180-51-050	PREP	98-06-028	180-85	PREP	98-16-098
180-30-520	REP-P	98-14-148	180-56-003	REP	98-05-005	180-85-100	AMD	98-05-024
180-30-575	REP-P	98-14-148	180-58-010	REP	98-05-006	180-87	PREP	98-08-038
180-30-610	REP-P	98-14-148	180-58-015	REP	98-05-006	180-90-125	PREP	98-10-024
180-30-620	REP-P	98-14-148	180-58-020	REP	98-05-006	182-04-070	AMD	98-17-063
180-30-625	REP-P	98-14-148	180-58-030	REP	98-05-006	182-04-070	AMD-XA	98-13-078
180-30-630	REP-P	98-14-148	180-58-040	REP	98-05-006	182-25-010	AMD	98-07-002
180-30-635	REP-P	98-14-148	180-58-045	REP	98-05-006	182-25-010	AMD-XA	98-10-086
180-30-640	REP-P	98-14-148	180-58-055	REP	98-05-006	182-25-010	AMD	98-15-018
180-30-645	REP-P	98-14-148	180-58-065	REP	98-05-006	182-25-020	AMD	98-07-002
180-30-650	REP-P	98-14-148	180-58-075	REP	98-05-006	182-25-030	AMD	98-07-002
180-30-655	REP-P	98-14-148	180-58-085	REP	98-05-006	182-25-040	AMD	98-07-002
180-30-660	REP-P	98-14-148	180-58-090	REP	98-05-006	182-25-070	AMD	98-07-002
180-30-710	REP-P	98-14-148	180-59-005	REP	98-05-007	182-25-080	AMD	98-07-002
180-30-715	REP-P	98-14-148	180-59-010	REP	98-05-007	182-25-090	AMD	98-07-002
180-30-720	REP-P	98-14-148	180-59-015	REP	98-05-007	182-25-100	PREP	98-17-062
180-30-725	REP-P	98-14-148	180-59-020	REP	98-05-007	182-25-100	AMD	98-07-002
180-30-730	REP-P	98-14-148	180-59-025	REP	98-05-007	182-25-105	PREP	98-17-062
180-30-735	REP-P	98-14-148	180-59-030	REP	98-05-007	182-25-105	AMD	98-07-002
180-30-740	REP-P	98-14-148	180-59-032	REP	98-05-007	182-25-110	PREP	98-17-062
180-30-750	REP-P	98-14-148	180-59-035	REP	98-05-007	192-12-030	AMD-P	98-09-106
180-30-755	REP-P	98-14-148	180-59-037	REP	98-05-007	192-12-030	REP	98-14-068
180-30-760	REP-P	98-14-148	180-59-040	REP	98-05-007	192-12-040	AMD-P	98-09-105
180-30-765	REP-P	98-14-148	180-59-045	REP	98-05-007	192-12-040	REP	98-14-068
180-30-770	REP-P	98-14-148	180-59-047	REP	98-05-007	192-12-041	AMD-P	98-09-105
180-30-775	REP-P	98-14-148	180-59-050	REP	98-05-007	192-12-041	REP	98-14-068
180-30-780	REP-P	98-14-148	180-59-055	REP	98-05-007	192-12-042	AMD-P	98-09-105
180-30-800	REP-P	98-14-148	180-59-060	REP	98-05-007	192-12-042	REP	98-14-068
180-30-805	REP-P	98-14-148	180-59-065	REP	98-05-007	192-12-141	AMD	98-06-097
180-30-807	REP-P	98-14-148	180-59-070	REP	98-05-007	192-16-024	REP-XR	98-15-146
180-30-810	REP-P	98-14-148	180-59-075	REP	98-05-007	192-16-051	PREP	98-08-072
180-30-815	REP-P	98-14-148	180-59-080	REP	98-05-007	192-16-051	REP-E	98-13-015
180-30-820	REP-P	98-14-148	180-59-090	REP	98-05-007	192-16-052	PREP	98-08-072
180-30-825	REP-P	98-14-148	180-59-095	REP	98-05-007	192-16-052	REP-E	98-13-015
180-30-830	REP-P	98-14-148	180-59-100	REP	98-05-007	192-16-057	PREP	98-08-072
180-30-845	REP-P	98-14-148	180-59-105	REP	98-05-007	192-18-010	REP-XR	98-07-023
180-31	PREP	98-06-003	180-59-110	REP	98-05-007	192-18-010	REP	98-14-031
180-31-005	AMD-P	98-14-150	180-59-115	REP	98-05-007	192-18-012	REP-XR	98-07-023
180-31-020	AMD-P	98-14-150	180-59-120	REP	98-05-007	192-18-012	REP	98-14-031
180-31-025	AMD-P	98-14-150	180-59-125	REP	98-05-007	192-18-020	REP-XR	98-07-023
180-31-035	AMD-P	98-14-150	180-59-130	REP	98-05-007	192-18-020	REP	98-14-031
180-31-040	AMD-P	98-14-150	180-59-135	REP	98-05-007	192-18-030	REP-XR	98-07-023
180-31-045	NEW-P	98-14-150	180-59-140	REP	98-05-007	192-18-030	REP	98-14-031
180-32	PREP	98-06-002	180-59-145	REP	98-05-007	192-18-040	REP-XR	98-07-023
180-32-005	AMD-P	98-14-151	180-59-150	REP	98-05-007	192-18-040	REP	98-14-031
180-32-020	AMD-P	98-14-151	180-59-155	REP	98-05-007	192-18-050	REP-XR	98-07-023
180-32-025	AMD-P	98-14-151	180-59-160	REP	98-05-007	192-18-050	REP	98-14-031
180-32-035	AMD-P	98-14-151	180-59-165	REP	98-05-007	192-18-060	REP-XR	98-07-023
180-32-040	AMD-P	98-14-151	180-77-122	PREP	98-16-096	192-18-060	REP	98-14-031
180-32-050	AMD-P	98-14-151	180-77A-170	PREP	98-16-097	192-18-070	REP-XR	98-07-023
180-32-055	REP-P	98-14-151	180-78A	PREP	98-16-098	192-18-070	REP	98-14-031
180-33	PREP	98-06-008	180-78A	PREP	98-06-030	192-20-010	REP-XR	98-07-024
180-33-005	AMD-P	98-14-144	180-78A-165	AMD	98-05-022	192-20-010	REP	98-14-032
180-33-025	AMD	98-09-052	180-79A	PREP	98-16-098	192-23-018	AMD	98-06-097
180-33-040	AMD-P	98-14-144	180-79A-117	AMD	98-05-024	192-32	AMD	98-05-042
180-33-042	AMD-P	98-14-144	180-79A-220	AMD	98-08-068	192-32-001	REP	98-05-042
180-33-043	REP-P	98-14-144	180-79A-220	AMD-P	98-04-089	192-32-010	AMD	98-05-042
180-34-010	AMD	98-05-002	180-79A-340	AMD	98-05-023	192-32-015	REP	98-05-042
180-34-015	REP	98-05-002	180-79A-420	AMD-P	98-10-102	192-32-025	REP	98-05-042
180-34-020	REP	98-05-002	180-79A-420	PREP	98-04-087	192-32-035	AMD	98-05-042
180-34-025	REP	98-05-002	180-79A-420	AMD	98-15-027	192-32-045	AMD	98-05-042
180-36-007	NEW	98-05-021	180-79A-422	PREP	98-04-087	192-32-050	AMD	98-05-042
180-39-025	AMD	98-05-004	180-79A-422	AMD-P	98-10-102	192-32-055	AMD	98-05-042
180-39-027	REP	98-05-004	180-79A-422	AMD	98-15-027	192-32-065	AMD	98-05-042
180-39-028	REP	98-05-004	180-79A-433	AMD-P	98-10-103	192-32-075	AMD	98-05-042

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
192-32-085	AMD	98-05-042	196-08-130	REP-P	98-08-078	196-08-460	REP	98-12-045
192-32-095	AMD	98-05-042	196-08-130	REP	98-12-045	196-08-470	REP-P	98-08-078
192-32-100	NEW	98-05-042	196-08-140	REP-P	98-08-078	196-08-470	REP	98-12-045
192-32-105	AMD	98-05-042	196-08-140	REP	98-12-045	196-08-480	REP-P	98-08-078
192-32-115	AMD	98-05-042	196-08-150	REP-P	98-08-078	196-08-480	REP	98-12-045
192-32-120	REP	98-05-042	196-08-150	REP	98-12-045	196-08-490	REP-P	98-08-078
192-32-125	REP	98-05-042	196-08-160	REP-P	98-08-078	196-08-490	REP	98-12-045
192-32-130	NEW	98-05-042	196-08-160	REP	98-12-045	196-08-500	REP-P	98-08-078
192-32-135	NEW	98-05-042	196-08-170	REP-P	98-08-078	196-08-500	REP	98-12-045
192-33-005	NEW	98-05-042	196-08-170	REP	98-12-045	196-08-510	REP-P	98-08-078
192-33-006	NEW	98-05-042	196-08-180	REP-P	98-08-078	196-08-510	REP	98-12-045
192-130-050	NEW	98-14-068	196-08-180	REP	98-12-045	196-08-520	REP-P	98-08-078
192-210-005	NEW-E	98-13-015	196-08-190	REP-P	98-08-078	196-08-520	REP	98-12-045
192-210-010	NEW-E	98-13-015	196-08-190	REP	98-12-045	196-08-530	REP-P	98-08-078
192-210-015	NEW-E	98-13-015	196-08-200	REP-P	98-08-078	196-08-530	REP	98-12-045
192-310-010	NEW	98-14-068	196-08-200	REP	98-12-045	196-08-540	REP-P	98-08-078
192-310-020	NEW	98-14-068	196-08-210	REP-P	98-08-078	196-08-540	REP	98-12-045
192-310-025	NEW	98-14-068	196-08-210	REP	98-12-045	196-08-550	REP-P	98-08-078
192-310-030	NEW	98-14-068	196-08-220	REP-P	98-08-078	196-08-550	REP	98-12-045
194-10-010	REP	98-05-027	196-08-220	REP	98-12-045	196-08-560	REP-P	98-08-078
194-10-020	REP	98-05-027	196-08-230	REP-P	98-08-078	196-08-560	REP	98-12-045
194-10-030	REP	98-05-027	196-08-230	REP	98-12-045	196-08-570	REP-P	98-08-078
194-10-040	REP	98-05-027	196-08-230	REP	98-12-045	196-08-570	REP	98-12-045
194-10-050	REP	98-05-027	196-08-240	REP-P	98-08-078	196-08-580	REP-P	98-08-078
194-10-060	REP	98-05-027	196-08-240	REP	98-12-045	196-08-580	REP	98-12-045
194-10-070	REP	98-05-027	196-08-250	REP-P	98-08-078	196-08-590	REP-P	98-08-078
194-10-080	REP	98-05-027	196-08-250	REP	98-12-045	196-08-590	REP	98-12-045
194-10-080	REP	98-05-027	196-08-260	REP-P	98-08-078	196-09-010	NEW-P	98-08-078
194-10-090	REP	98-05-027	196-08-260	REP	98-12-045	196-09-010	NEW	98-12-045
194-10-100	REP	98-05-027	196-08-270	REP-P	98-08-078	196-09-020	NEW-P	98-08-078
194-10-110	REP	98-05-027	196-08-270	REP	98-12-045	196-09-020	NEW	98-12-045
194-10-120	REP	98-05-027	196-08-280	REP-P	98-08-078	196-12-010	AMD-P	98-08-105
194-10-130	REP	98-05-027	196-08-280	REP	98-12-045	196-12-010	AMD	98-12-052
194-10-140	REP	98-05-027	196-08-290	REP-P	98-08-078	196-12-020	AMD-P	98-08-105
194-18-010	REP-XR	98-17-034	196-08-290	REP	98-12-045	196-12-020	AMD	98-12-052
194-18-020	REP-XR	98-17-034	196-08-300	REP-P	98-08-078	196-12-030	AMD-P	98-08-105
194-18-030	REP-XR	98-17-034	196-08-300	REP	98-12-045	196-12-030	AMD	98-12-052
196-04	PREP	98-11-025	196-08-310	REP-P	98-08-078	196-12-045	NEW-P	98-08-105
196-04-010	REP	98-18-046	196-08-310	REP	98-12-045	196-12-045	NEW	98-12-052
196-04-010	REP-P	98-15-019	196-08-320	REP-P	98-08-078	196-12-050	AMD-P	98-08-105
196-04-020	REP	98-18-046	196-08-320	REP	98-12-045	196-12-050	AMD	98-12-052
196-04-020	REP-P	98-15-019	196-08-330	REP-P	98-08-078	196-12-060	REP-P	98-08-105
196-04-025	REP	98-18-046	196-08-330	REP	98-12-045	196-12-060	REP	98-12-052
196-04-025	REP-P	98-15-019	196-08-340	REP-P	98-08-078	196-12-085	REP-P	98-08-105
196-04-030	REP	98-18-046	196-08-340	REP	98-12-045	196-12-085	REP	98-12-052
196-04-030	REP-P	98-15-019	196-08-350	REP-P	98-08-078	196-24-030	REP-P	98-08-105
196-04-040	REP	98-18-046	196-08-350	REP	98-12-045	196-24-030	REP	98-12-052
196-04-040	REP-P	98-15-019	196-08-360	REP-P	98-08-078	196-24-040	REP-P	98-08-105
196-08-010	REP-P	98-08-078	196-08-360	REP	98-12-045	196-24-040	REP	98-12-052
196-08-010	REP	98-12-045	196-08-370	REP-P	98-08-078	196-24-050	REP-P	98-08-105
196-08-040	REP-P	98-08-078	196-08-370	REP	98-12-045	196-24-050	REP	98-12-052
196-08-040	REP	98-12-045	196-08-380	REP-P	98-08-078	196-24-105	AMD-P	98-08-105
196-08-050	REP-P	98-08-078	196-08-380	REP	98-12-045	196-24-105	AMD	98-12-052
196-08-050	REP	98-12-045	196-08-390	REP-P	98-08-078	196-25-001	NEW-P	98-08-106
196-08-060	REP-P	98-08-078	196-08-390	REP	98-12-045	196-25-001	NEW	98-12-053
196-08-060	REP	98-12-045	196-08-400	REP-P	98-08-078	196-25-002	NEW-P	98-08-106
196-08-070	REP-P	98-08-078	196-08-400	REP	98-12-045	196-25-002	NEW	98-12-053
196-08-070	REP	98-12-045	196-08-410	REP-P	98-08-078	196-25-005	NEW-P	98-08-106
196-08-080	REP-P	98-08-078	196-08-410	REP	98-12-045	196-25-005	NEW	98-12-053
196-08-080	REP	98-12-045	196-08-420	REP-P	98-08-078	196-25-010	NEW-P	98-08-106
196-08-090	REP-P	98-08-078	196-08-420	REP	98-12-045	196-25-010	NEW	98-12-053
196-08-090	REP	98-12-045	196-08-430	REP-P	98-08-078	196-25-020	NEW-P	98-08-106
196-08-100	REP-P	98-08-078	196-08-430	REP	98-12-045	196-25-020	NEW	98-12-053
196-08-100	REP	98-12-045	196-08-440	REP-P	98-08-078	196-25-030	NEW-P	98-08-106
196-08-110	REP-P	98-08-078	196-08-440	REP	98-12-045	196-25-030	NEW	98-12-053
196-08-110	REP	98-12-045	196-08-450	REP-P	98-08-078	196-25-040	NEW-P	98-08-106
196-08-120	REP-P	98-08-078	196-08-450	REP	98-12-045	196-25-040	NEW	98-12-053
196-08-120	REP	98-12-045	196-08-460	REP-P	98-08-078			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
196-26-020	AMD-P	98-09-051	212-17-21515	NEW	98-04-007	220-32-05100E	REP-E	98-07-057
196-26-020	AMD	98-12-046	212-17-21517	NEW	98-04-007	220-32-05100E	NEW-E	98-04-068
196-26-030	AMD-P	98-09-051	212-17-21519	NEW	98-04-007	220-32-05100F	NEW-E	98-18-023
196-26-030	AMD	98-12-046	220-12-010	AMD	98-06-031	220-32-05100F	REP-E	98-18-023
197-11-680	AMD	98-06-092	220-12-020	AMD	98-06-031	220-32-05500M	REP-E	98-09-022
204-10-020	AMD	98-04-053	220-16-002	NEW	98-15-081	220-32-05500M	NEW-E	98-09-022
204-10-020	AMD-P	98-15-083	220-16-002	NEW-P	98-11-086	220-32-05500M	REP-E	98-13-006
204-10-020	PREP	98-11-036	220-16-005	NEW	98-15-081	220-32-05500N	REP-E	98-11-041
204-10-070	AMD	98-04-053	220-16-005	NEW-P	98-11-086	220-32-05500N	NEW-E	98-11-041
204-10-090	AMD	98-04-053	220-16-440	AMD	98-06-031	220-32-05500P	REP-E	98-14-037
204-10-100	REP	98-04-053	220-16-475	NEW	98-06-031	220-32-05500P	REP-E	98-13-006
204-10-110	REP	98-04-053	220-16-480	NEW-P	98-09-089	220-32-05500P	NEW-E	98-13-006
204-10-130	REP	98-04-053	220-16-480	NEW-W	98-11-049	220-32-05500Q	REP-E	98-18-047
204-10-140	REP	98-04-053	220-16-480	NEW	98-15-031	220-32-05500Q	NEW-E	98-14-037
204-10-150	REP	98-04-053	220-16-490	NEW-P	98-09-089	220-32-05500R	NEW-E	98-18-047
204-24-050	AMD-P	98-15-056	220-16-490	NEW-W	98-11-049	220-32-05700X	NEW-E	98-04-006
204-24-050	PREP	98-11-035	220-16-490	NEW	98-15-031	220-32-05700X	REP-E	98-04-006
204-46-010	NEW-P	98-18-073	220-16-500	NEW-W	98-11-049	220-32-05700Y	NEW-E	98-08-027
204-46-010	PREP	98-14-049	220-16-510	NEW-W	98-11-049	220-32-05700Y	REP-E	98-14-063
204-46-020	NEW-P	98-18-073	220-16-520	NEW-W	98-11-049	220-33-01000A	NEW-E	98-12-061
204-46-020	PREP	98-14-049	220-16-530	NEW-W	98-11-049	220-33-01000B	NEW-E	98-16-077
204-46-030	NEW-P	98-18-073	220-16-540	NEW-W	98-11-049	220-33-01000B	REP-E	98-16-077
204-46-030	PREP	98-14-049	220-16-550	NEW	98-06-031	220-33-01000B	REP-E	98-18-029
204-72-030	AMD	98-04-054	220-16-550	AMD-P	98-11-086	220-33-01000C	REP-E	98-18-029
204-72-040	AMD	98-04-054	220-16-550	AMD	98-15-081	220-33-01000C	NEW-E	98-18-029
204-90-030	AMD	98-04-052	220-16-560	NEW-W	98-11-049	220-33-01000Z	REP-E	98-08-046
204-90-040	AMD	98-04-052	220-16-570	NEW-W	98-11-049	220-33-01000Z	NEW-E	98-08-046
204-90-070	AMD	98-04-052	220-16-580	NEW-W	98-11-049	220-33-01000Z	REP-E	98-12-061
204-90-120	AMD	98-04-052	220-16-590	NEW	98-06-031	220-33-03000L	REP-E	98-08-046
204-90-140	AMD	98-04-052	220-16-600	NEW-W	98-11-049	220-33-03000L	NEW-E	98-08-046
208-418	PREP	98-13-084	220-16-610	NEW	98-06-031	220-33-04000E	REP-E	98-04-067
208-436	PREP	98-13-084	220-16-620	NEW-W	98-11-049	220-33-04000F	NEW-E	98-04-067
208-440	PREP	98-13-084	220-16-630	NEW-W	98-11-049	220-33-06000A	NEW-E	98-14-019
208-444	PREP	98-13-084	220-16-640	NEW-W	98-11-049	220-36-021	AMD-P	98-11-086
208-444-010	AMD	98-10-072	220-16-650	NEW-W	98-11-049	220-36-021	AMD	98-15-081
208-444-020	AMD	98-10-072	220-16-660	NEW-W	98-11-049	220-36-023	AMD-P	98-11-086
208-444-030	AMD	98-10-072	220-16-670	NEW-W	98-11-049	220-36-023	AMD	98-15-081
208-444-040	AMD	98-10-072	220-16-680	NEW-W	98-11-049	220-40-021	AMD-P	98-11-086
208-444-050	AMD	98-10-072	220-16-690	NEW-W	98-11-049	220-40-021	AMD	98-15-081
208-464	PREP	98-13-084	220-16-700	NEW	98-06-031	220-40-027	AMD-P	98-11-086
208-472	PREP	98-13-084	220-16-710	NEW	98-06-031	220-40-027	AMD	98-15-081
208-480	PREP	98-13-084	220-16-720	NEW	98-06-031	220-44-030	AMD	98-05-043
212-17-185	AMD	98-04-007	220-20-010	AMD	98-06-031	220-44-050	AMD-XA	98-09-080
212-17-190	REP-XR	98-07-019	220-20-010	AMD-P	98-09-089	220-44-050	AMD	98-05-043
212-17-190	REP	98-13-038	220-20-010	AMD-P	98-11-086	220-44-050	AMD	98-15-033
212-17-190	REP-E	98-13-039	220-20-010	AMD	98-15-031	220-44-050000	REP-E	98-10-059
212-17-195	REP-XR	98-07-019	220-20-010	AMD	98-15-081	220-44-050000	NEW-E	98-10-059
212-17-195	REP	98-13-038	220-20-01000A	NEW-E	98-05-014	220-44-050000	REP-E	98-14-094
212-17-195	REP-E	98-13-039	220-20-01000A	REP-E	98-05-014	220-44-050000	NEW-E	98-14-094
212-17-200	REP-XR	98-07-019	220-20-01000B	NEW-E	98-08-046	220-44-05000N	REP-E	98-18-012
212-17-200	REP-E	98-13-039	220-20-015	AMD-P	98-09-089	220-44-05000P	REP-E	98-18-050
212-17-200	REP	98-13-038	220-20-015	AMD	98-15-031	220-44-05000P	NEW-E	98-18-012
212-17-205	REP-XR	98-07-019	220-20-020	AMD-P	98-09-089	220-44-05000Q	NEW-E	98-18-050
212-17-205	REP-E	98-13-039	220-20-020	AMD	98-15-031	220-44-080	AMD	98-05-043
212-17-205	REP	98-13-038	220-20-025	AMD-P	98-09-089	220-47-304	AMD	98-15-081
212-17-210	REP-XR	98-07-019	220-20-025	AMD	98-15-031	220-47-304	AMD-P	98-11-086
212-17-210	REP	98-13-038	220-22-410	AMD	98-05-043	220-47-307	AMD	98-15-081
212-17-210	REP-E	98-13-039	220-24-02000E	NEW-E	98-10-031	220-47-307	AMD-P	98-11-086
212-17-215	REP-XR	98-07-019	220-24-02000E	REP-E	98-11-020	220-47-30700A	NEW-E	98-16-009
212-17-215	REP	98-13-038	220-24-02000F	REP-E	98-12-076	220-47-30700B	NEW-E	98-17-057
212-17-215	REP-E	98-13-039	220-24-02000F	NEW-E	98-11-020	220-47-311	AMD-P	98-11-086
212-17-21503	NEW	98-04-007	220-24-02000G	NEW-E	98-11-085	220-47-311	AMD	98-15-081
212-17-21505	NEW	98-04-007	220-24-02000H	NEW-E	98-12-076	220-47-31100A	NEW-E	98-16-009
212-17-21507	NEW	98-04-007	220-32-05100D	REP-E	98-04-056	220-47-326	REP-P	98-11-086
212-17-21509	NEW	98-04-007	220-32-05100D	NEW-E	98-04-056	220-47-326	REP	98-15-081
212-17-21511	NEW	98-04-007	220-32-05100D	REP-E	98-04-068	220-47-401	AMD-P	98-11-086
212-17-21513	NEW	98-04-007	220-32-05100E	REP-E	98-04-068	220-47-401	AMD	98-15-081

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-47-40100A	NEW-E	98-16-009	220-52-07100F	REP-E	98-15-122	220-56-240	AMD	98-06-031
220-47-410	AMD-P	98-11-086	220-52-07100G	NEW-E	98-15-122	220-56-255	AMD	98-06-031
220-47-410	AMD	98-15-081	220-52-07100G	REP-E	98-16-020	220-56-25500H	REP-E	98-15-047
220-47-411	AMD-P	98-11-086	220-52-07100H	REP-E	98-16-041	220-56-25500H	NEW-E	98-15-016
220-47-411	AMD	98-15-081	220-52-07100H	NEW-E	98-16-020	220-56-25500I	REP-E	98-16-008
220-47-427	AMD	98-15-081	220-52-07300A	REP-E	98-05-045	220-56-25500I	NEW-E	98-15-047
220-47-427	AMD-P	98-11-086	220-52-07300A	NEW-E	98-04-035	220-56-25500J	NEW-E	98-16-008
220-47-428	AMD-P	98-11-086	220-52-07300B	NEW-E	98-05-045	220-56-262	NEW	98-06-031
220-47-428	AMD	98-15-081	220-52-07300V	REP-E	98-02-041	220-56-265	AMD	98-06-031
220-47-901	REP-E	98-18-048	220-52-07300W	REP-E	98-03-001	220-56-270	AMD	98-06-031
220-47-901	NEW-E	98-18-013	220-52-07300W	NEW-E	98-02-041	220-56-27000B	NEW-E	98-04-045
220-47-902	NEW-E	98-18-048	220-52-07300X	REP-E	98-03-058	220-56-27200A	REP-E	98-08-045
220-48-005	AMD	98-05-043	220-52-07300X	NEW-E	98-03-001	220-56-27200A	NEW-E	98-08-045
220-48-00500G	NEW-E	98-02-039	220-52-07300Y	NEW-E	98-03-058	220-56-275	AMD	98-06-031
220-48-013	AMD	98-05-043	220-52-07300Y	REP-E	98-04-010	220-56-285	AMD	98-06-031
220-48-013	AMD-P	98-09-087	220-52-07300Z	REP-E	98-04-035	220-56-28500N	NEW-E	98-06-039
220-48-013	AMD	98-14-091	220-52-07300Z	NEW-E	98-04-010	220-56-28500P	NEW-E	98-07-011
220-48-01300A	NEW-E	98-14-020	220-56-100	AMD	98-06-031	220-56-28500Q	NEW-E	98-09-055
220-48-015	AMD	98-05-043	220-56-105	AMD	98-06-031	220-56-28500R	NEW-E	98-13-004
220-48-01500F	NEW-E	98-14-093	220-56-115	AMD	98-06-031	220-56-295	AMD	98-06-031
220-48-01500G	NEW-E	98-17-006	220-56-124	AMD-P	98-11-086	220-56-30500B	NEW-E	98-14-039
220-48-019	AMD	98-05-043	220-56-124	AMD	98-15-081	220-56-307	AMD	98-06-031
220-48-032	AMD	98-05-043	220-56-12400D	NEW-E	98-10-060	220-56-310	AMD	98-06-031
220-48-042	AMD	98-05-043	220-56-126	AMD-P	98-11-086	220-56-3100Q	NEW-E	98-09-014
220-48-052	AMD	98-05-043	220-56-126	AMD	98-15-081	220-56-315	AMD	98-06-031
220-48-071	AMD	98-05-043	220-56-128	AMD	98-06-031	220-56-320	AMD	98-06-031
220-49-005	AMD	98-05-043	220-56-128	AMD	98-15-081	220-56-325	AMD	98-06-031
220-49-011	AMD	98-05-043	220-56-128	AMD-P	98-11-086	220-56-32500R	REP-E	98-10-097
220-49-012	AMD	98-05-043	220-56-145	AMD	98-06-031	220-56-32500R	NEW-E	98-10-097
220-49-013	AMD	98-05-043	220-56-180	AMD	98-06-031	220-56-32500S	REP-E	98-17-005
220-49-014	AMD	98-05-043	220-56-190	AMD-P	98-11-086	220-56-32500S	NEW-E	98-11-087
220-49-017	AMD	98-05-043	220-56-190	AMD	98-15-081	220-56-32500T	REP-E	98-12-075
220-49-020	AMD	98-05-043	220-56-19000Q	REP-E	98-17-011	220-56-32500T	NEW-E	98-12-075
220-49-02000K	REP-E	98-08-045	220-56-19000Q	NEW-E	98-16-039	220-56-32500U	NEW-E	98-17-005
220-49-02000K	NEW-E	98-08-045	220-56-19000Q	REP-E	98-16-039	220-56-32500U	REP-E	98-17-054
220-49-021	AMD	98-05-043	220-56-19000R	NEW-E	98-17-011	220-56-32500V	NEW-E	98-17-054
220-49-024	AMD	98-05-043	220-56-19000R	REP-E	98-17-055	220-56-330	AMD	98-06-031
220-49-056	AMD	98-05-043	220-56-19000S	REP-E	98-17-090	220-56-33000F	NEW-E	98-12-077
220-52-03000L	NEW-E	98-07-055	220-56-19000S	NEW-E	98-17-055	220-56-33000F	REP-E	98-13-017
220-52-03000L	REP-E	98-07-055	220-56-19000T	REP-E	98-18-085	220-56-33000G	NEW-E	98-13-017
220-52-040	AMD	98-05-043	220-56-19000T	NEW-E	98-17-090	220-56-33000G	REP-E	98-15-001
220-52-040	AMD-P	98-14-132	220-56-19000U	NEW-E	98-18-085	220-56-33000H	REP-E	98-15-060
220-52-04000G	NEW-E	98-04-034	220-56-19000U	REP-E	98-18-085	220-56-33000H	NEW-E	98-15-001
220-52-04000H	NEW-E	98-18-084	220-56-191	AMD	98-06-031	220-56-33000I	REP-E	98-17-010
220-52-043	AMD-P	98-14-132	220-56-191	AMD-P	98-11-086	220-56-33000I	NEW-E	98-15-060
220-52-046	AMD	98-05-043	220-56-191	AMD	98-15-081	220-56-33000J	NEW-E	98-17-010
220-52-046	AMD-P	98-14-132	220-56-19100B	REP-E	98-16-083	220-56-33000J	REP-E	98-18-001
220-52-04600A	NEW-E	98-05-025	220-56-19100B	NEW-E	98-10-060	220-56-335	AMD	98-06-031
220-52-04600A	REP-E	98-07-054	220-56-19100C	REP-E	98-16-083	220-56-350	AMD	98-06-031
220-52-04600B	NEW-E	98-07-054	220-56-19100C	NEW-E	98-15-015	220-56-35000R	NEW-E	98-03-070
220-52-04600B	REP-E	98-14-021	220-56-19100C	REP-E	98-15-015	220-56-35000R	REP-E	98-09-015
220-52-04600C	NEW-E	98-14-021	220-56-19100D	REP-E	98-18-011	220-56-35000S	NEW-E	98-09-015
220-52-04600C	REP-E	98-14-038	220-56-19100D	REP-E	98-16-083	220-56-35000T	REP-E	98-14-092
220-52-04600C	REP-E	98-14-021	220-56-19100D	NEW-E	98-16-083	220-56-35000T	NEW-E	98-14-092
220-52-04600D	NEW-E	98-14-038	220-56-19100E	NEW-E	98-17-056	220-56-35000U	NEW-E	98-15-091
220-52-04600D	REP-E	98-14-038	220-56-19100F	REP-E	98-18-011	220-56-36000T	NEW-E	98-05-034
220-52-04600D	REP-E	98-14-064	220-56-19100F	NEW-E	98-18-011	220-56-36000T	REP-E	98-05-034
220-52-04600E	REP-E	98-18-084	220-56-195	AMD	98-15-081	220-56-36000U	REP-E	98-09-028
220-52-04600E	REP-E	98-14-064	220-56-195	AMD-P	98-11-086	220-56-36000U	NEW-E	98-09-028
220-52-04600E	NEW-E	98-14-064	220-56-19500A	NEW-E	98-10-060	220-56-36000V	NEW-E	98-09-095
220-52-04600F	NEW-E	98-18-084	220-56-199	AMD	98-15-081	220-56-36000V	REP-E	98-09-095
220-52-04600Z	NEW-E	98-04-034	220-56-199	AMD-P	98-11-086	220-56-380	AMD	98-06-031
220-52-04600Z	REP-E	98-05-025	220-56-205	AMD	98-15-081	220-56-38000L	NEW-E	98-03-070
220-52-05000A	REP-E	98-10-059	220-56-205	AMD-P	98-11-086	220-56-38000M	REP-E	98-17-053
220-52-05000A	NEW-E	98-09-002	220-56-235	AMD-P	98-09-086	220-56-38000M	NEW-E	98-15-091
220-52-05000B	NEW-E	98-10-059	220-56-235	AMD	98-15-032	220-56-38000N	NEW-E	98-17-053
220-52-07100F	NEW-E	98-14-002	220-56-23500B	NEW-E	98-14-014			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-56-385	AMD	98-06-031	220-57-31900R	NEW-E	98-12-085	220-88A-050	AMD-P	98-09-088
220-57-120	AMD-P	98-11-086	220-57-335	AMD-P	98-11-086	220-88A-060	AMD	98-05-043
220-57-120	AMD	98-15-081	220-57-335	AMD	98-15-081	220-88A-070	AMD	98-05-043
220-57-130	AMD-P	98-11-086	220-57-340	AMD	98-15-081	220-88A-07000	NEW-E	98-09-050
220-57-130	AMD	98-15-081	220-57-340	AMD-P	98-11-086	220-88A-07000	REP-E	98-10-032
220-57-13000V	NEW-E	98-10-061	220-57-350	AMD	98-06-031	220-88A-07000	REP-E	98-10-058
220-57-13500U	NEW-E	98-10-061	220-57-350	AMD-P	98-11-086	220-88A-07000	NEW-E	98-10-032
220-57-137	AMD-P	98-11-086	220-57-350	AMD	98-15-081	220-88A-07000	NEW-E	98-10-058
220-57-140	AMD-P	98-11-086	220-57-355	AMD-P	98-11-086	220-88A-07000	REP-E	98-10-096
220-57-140	AMD	98-15-081	220-57-355	AMD	98-15-081	220-88A-07000	NEW-E	98-10-096
220-57-14000T	NEW-E	98-10-061	220-57-365	AMD-P	98-11-086	220-88A-07000	REP-E	98-11-007
220-57-155	AMD	98-15-081	220-57-365	AMD	98-15-081	220-88A-07000	REP-E	98-11-105
220-57-155	AMD-P	98-11-086	220-57-385	AMD	98-15-081	220-88A-07000	NEW-E	98-11-007
220-57-15500E	NEW-E	98-10-061	220-57-385	AMD-P	98-11-086	220-88A-07000	NEW-E	98-11-105
220-57-160	AMD	98-06-031	220-57-38500B	NEW-E	98-10-061	220-88A-07000	REP-E	98-13-016
220-57-160	AMD	98-15-081	220-57-405	AMD-P	98-11-086	220-88A-07000	NEW-E	98-13-016
220-57-160	AMD-P	98-11-086	220-57-40500A	NEW-E	98-10-060	220-88A-07000	REP-E	98-15-046
220-57-16000K	NEW-E	98-06-038	220-57-425	AMD-P	98-11-086	220-88A-07000	NEW-E	98-15-046
220-57-16000L	NEW-E	98-09-005	220-57-425	AMD	98-15-081	220-88A-080	AMD	98-05-043
220-57-16000M	NEW-E	98-10-030	220-57-42500D	REP-E	98-15-106	220-88A-08000	NEW-E	98-09-050
220-57-16000M	REP-E	98-10-030	220-57-42500D	NEW-E	98-15-106	220-88A-08000	NEW-E	98-15-030
220-57-175	AMD	98-06-031	220-57-430	AMD	98-15-081	220-88A-08000	REP-E	98-15-046
220-57-175	AMD	98-15-081	220-57-430	AMD-P	98-11-086	220-88A-08000	NEW-E	98-15-046
220-57-175	AMD-P	98-11-086	220-57-432	NEW-P	98-11-086	220-95-013	AMD-S	98-17-098
220-57-17500I	NEW-E	98-06-037	220-57-432	NEW	98-15-081	220-95-013	AMD-P	98-10-100
220-57-17500I	REP-E	98-14-047	220-57-435	AMD	98-15-081	220-95-013	AMD-C	98-14-096
220-57-17500J	NEW-E	98-14-047	220-57-435	AMD-P	98-11-086	220-95-018	AMD-S	98-17-098
220-57-187	AMD-P	98-11-086	220-57-435	AMD-P	98-11-086	220-95-018	AMD-P	98-10-100
220-57-187	AMD	98-15-081	220-57-450	AMD	98-15-081	220-95-018	AMD-C	98-14-096
220-57-190	AMD	98-06-031	220-57-450	AMD-P	98-11-086	220-95-022	AMD-S	98-17-098
220-57-19000B	NEW-E	98-10-060	220-57-455	AMD	98-06-031	220-95-022	AMD-S	98-17-098
220-57-195	AMD	98-15-081	220-57-455	AMD-P	98-11-086	220-95-022	AMD-P	98-10-100
220-57-195	AMD-P	98-11-086	220-57-455	AMD	98-15-081	220-95-022	AMD-C	98-14-096
220-57-200	AMD-P	98-11-086	220-57-460	AMD-P	98-11-086	220-95-027	AMD-S	98-17-098
220-57-200	AMD	98-15-081	220-57-460	AMD	98-15-081	220-95-027	AMD-P	98-10-100
220-57-20000M	NEW-E	98-10-061	220-57-46000F	NEW-E	98-10-061	220-95-027	AMD-C	98-14-096
220-57-235	AMD	98-06-031	220-57-462	NEW-P	98-11-086	220-95-032	AMD-S	98-17-098
220-57-235	AMD-P	98-11-086	220-57-462	NEW	98-15-081	220-95-032	AMD-P	98-10-100
220-57-235	AMD	98-15-081	220-57-465	AMD-P	98-11-086	220-95-032	AMD-C	98-14-096
220-57-240	AMD	98-06-031	220-57-465	AMD	98-15-081	222-10-020	AMD-E	98-12-026
220-57-250	AMD	98-15-081	220-57-470	AMD-P	98-11-086	222-10-040	AMD-E	98-12-026
220-57-250	AMD-P	98-11-086	220-57-480	AMD	98-15-081	222-10-043	NEW-E	98-12-026
220-57-255	AMD	98-15-081	220-57-480	AMD-P	98-11-086	222-12-090	AMD-C	98-02-065
220-57-255	AMD-P	98-11-086	220-57-495	AMD	98-06-031	222-12-090	AMD-E	98-07-046
220-57-270	AMD-P	98-11-086	220-57-495	AMD	98-15-081	222-12-090	AMD-C	98-12-028
220-57-270	AMD	98-15-081	220-57-495	AMD-P	98-11-086	222-12-090	AMD-E	98-12-027
220-57-27000F	NEW-E	98-10-061	220-57-505	AMD	98-15-081	222-16-010	AMD	98-07-047
220-57-290	AMD	98-06-031	220-57-505	AMD-P	98-11-086	222-16-010	AMD-E	98-12-026
220-57-290	AMD-P	98-11-086	220-57-50500A	NEW-E	98-09-005	222-16-030	AMD-C	98-02-065
220-57-290	AMD	98-15-081	220-57-510	AMD	98-15-081	222-16-030	AMD-E	98-07-046
220-57-29000V	NEW-E	98-11-040	220-57-510	AMD-P	98-11-086	222-16-030	AMD-E	98-12-027
220-57-29000V	REP-E	98-12-059	220-57-515	AMD	98-15-081	222-16-030	AMD-C	98-12-028
220-57-310	AMD	98-06-031	220-57-515	AMD-P	98-11-086	222-16-050	AMD	98-07-047
220-57-310	AMD-P	98-11-086	220-57-51500N	NEW-E	98-09-005	222-16-050	AMD-E	98-12-026
220-57-310	AMD	98-15-081	220-57-525	AMD-P	98-11-086	222-16-080	AMD-E	98-12-026
220-57-31000X	NEW-E	98-06-037	220-57-525	AMD	98-15-081	222-16-088	NEW-E	98-12-026
220-57-31000X	REP-E	98-14-047	220-57-53000A	NEW-E	98-18-051	222-20-010	AMD	98-07-047
220-57-31000Y	NEW-E	98-14-047	220-57-53000A	REP-E	98-18-051	222-20-040	AMD	98-07-047
220-57-315	AMD-P	98-11-086	220-57A-14500	NEW-E	98-17-009	222-20-130	NEW	98-07-047
220-57-315	AMD	98-15-081	220-69-24000I	NEW-E	98-14-002	222-24-050	AMD-E	98-12-026
220-57-31500E	NEW-E	98-12-060	220-72-07600A	REP-E	98-15-051	222-30-040	AMD-E	98-12-026
220-57-31500E	REP-E	98-12-060	220-72-07600A	NEW-E	98-14-095	222-46-015	NEW	98-07-047
220-57-319	AMD	98-06-031	220-72-07600B	REP-E	98-15-107	224-12-090	AMD-P	98-03-081
220-57-319	AMD-P	98-11-086	220-72-07600B	NEW-E	98-15-051	224-12-090	AMD-S	98-10-094
220-57-319	AMD	98-15-081	220-72-07600C	NEW-E	98-15-107	230-02-205	AMD-P	98-14-108
220-57-31900Q	NEW-E	98-06-037	220-88A-020	AMD	98-05-043	230-02-205	AMD-C	98-04-022
220-57-31900Q	REP-E	98-12-085	220-88A-030	AMD	98-05-043	230-02-208	AMD-C	98-15-130
			220-88A-040	AMD	98-05-043		NEW-P	98-10-066

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-02-415	AMD	98-04-023	232-12-011	AMD	98-10-021	232-28-253	REP-P	98-05-086
230-02-425	NEW	98-04-023	232-12-014	AMD-W	98-18-027	232-28-254	REP-P	98-05-086
230-04-064	AMD-P	98-10-049	232-12-014	AMD-P	98-17-091	232-28-254	REP	98-10-019
230-04-064	AMD	98-15-073	232-12-01700A	NEW-E	98-15-052	232-28-264	AMD	98-17-039
230-04-119	AMD-P	98-10-066	232-12-047	AMD	98-10-006	232-28-264	AMD-P	98-05-087
230-04-124	AMD-P	98-10-066	232-12-047	AMD-P	98-05-094	232-28-264	AMD	98-10-002
230-04-133	NEW-P	98-10-066	232-12-068	AMD	98-17-044	232-28-264	AMD-P	98-14-102
230-04-198	NEW-P	98-18-009	232-12-068	AMD-P	98-14-098	232-28-26400B	REP-E	98-18-052
230-04-202	AMD-P	98-18-009	232-12-131	AMD	98-17-045	232-28-26400B	NEW-E	98-18-052
230-04-203	AMD-P	98-18-009	232-12-131	AMD-P	98-14-105	232-28-265	REP	98-10-019
230-04-204	AMD-P	98-18-009	232-12-24401	REP-P	98-05-086	232-28-265	REP-P	98-05-086
230-08-017	AMD-P	98-09-058	232-12-24401	REP	98-10-019	232-28-267	REP-P	98-05-086
230-08-017	AMD	98-15-074	232-12-24402	NEW	98-10-007	232-28-267	REP	98-10-019
230-08-025	AMD-P	98-10-066	232-12-24402	NEW-P	98-05-080	232-28-268	REP	98-10-019
230-08-026	NEW-P	98-10-066	232-12-297	AMD	98-05-041	232-28-268	REP-P	98-05-086
230-08-070	AMD-W	98-09-039	232-12-619	AMD	98-06-031	232-28-271	AMD	98-10-009
230-08-080	AMD	98-04-024	232-12-61900A	NEW-E	98-02-040	232-28-271	AMD-P	98-05-083
230-08-122	AMD-P	98-10-049	232-12-61900C	NEW-E	98-17-002	232-28-272	NEW-P	98-05-095
230-08-122	AMD	98-15-073	232-16-540	AMD	98-17-046	232-28-272	NEW	98-10-008
230-08-255	AMD-P	98-10-049	232-16-540	AMD-P	98-14-106	232-28-273	NEW	98-10-005
230-12-060	REP-P	98-10-049	232-16-690	AMD	98-17-047	232-28-273	NEW-P	98-05-089
230-12-060	REP	98-15-073	232-16-690	AMD-P	98-14-097	232-28-274	NEW	98-10-004
230-12-330	AMD-P	98-03-069	232-16-700	AMD	98-17-043	232-28-274	NEW-P	98-05-092
230-12-330	AMD	98-08-011	232-16-700	AMD-P	98-14-099	232-28-280	AMD-W	98-18-027
230-12-340	AMD-P	98-18-010	232-16-770	AMD	98-17-042	232-28-280	AMD-P	98-17-091
230-20-102	AMD	98-04-024	232-16-770	AMD-P	98-14-101	232-28-280	NEW-P	98-05-085
230-20-102	AMD-P	98-15-005	232-16-800	AMD	98-17-041	232-28-280	NEW	98-10-010
230-20-115	AMD	98-04-024	232-16-800	AMD-P	98-14-103	232-28-281	NEW	98-10-003
230-20-125	AMD-P	98-15-005	232-16-810	NEW	98-17-037	232-28-281	NEW-P	98-05-088
230-20-249	AMD-P	98-15-005	232-16-810	NEW-P	98-14-104	232-28-29000A	NEW-E	98-18-052
230-20-325	AMD-P	98-03-068	232-28-02201	AMD	98-10-015	232-28-29000A	REP-E	98-18-052
230-20-325	AMD	98-08-052	232-28-02201	AMD-P	98-05-082	232-28-421	REP	98-17-040
230-20-325	AMD-W	98-09-039	232-28-02202	AMD-P	98-05-081	232-28-421	REP-P	98-14-100
230-20-335	AMD	98-08-052	232-28-02202	AMD	98-10-014	232-28-422	NEW	98-17-038
230-20-335	AMD-P	98-03-068	232-28-02203	AMD-P	98-05-099	232-28-422	NEW-P	98-14-107
230-30-030	AMD-P	98-09-058	232-28-02203	AMD	98-10-016	232-28-619	AMD	98-06-031
230-30-030	AMD	98-15-074	232-28-02204	AMD	98-10-013	232-28-619	AMD-P	98-11-086
230-30-040	AMD-P	98-09-058	232-28-02204	AMD-P	98-05-098	232-28-619	AMD	98-15-081
230-30-040	AMD	98-15-074	232-28-02205	AMD	98-10-012	232-28-61900B	REP-E	98-03-057
230-30-045	AMD-P	98-09-058	232-28-02205	AMD-P	98-05-097	232-28-61900B	NEW-E	98-02-040
230-30-045	AMD	98-15-074	232-28-02206	AMD	98-10-011	232-28-61900C	REP-E	98-05-011
230-30-050	AMD	98-17-103	232-28-02206	AMD-P	98-05-096	232-28-61900C	NEW-E	98-03-057
230-30-050	AMD-P	98-10-068	232-28-02210	REP-P	98-05-086	232-28-61900D	NEW-E	98-06-035
230-30-050	AMD	98-15-075	232-28-02210	REP	98-10-019	232-28-61900E	NEW-E	98-06-059
230-30-052	AMD-P	98-10-049	232-28-02220	AMD-P	98-05-091	232-28-61900F	NEW-E	98-06-036
230-30-052	AMD	98-15-073	232-28-02220	AMD	98-10-017	232-28-61900G	REP-E	98-06-060
230-30-070	AMD-W	98-10-081	232-28-02230	REP-P	98-05-086	232-28-61900G	NEW-E	98-06-060
230-30-070	AMD-P	98-09-058	232-28-02230	REP	98-10-019	232-28-61900H	REP-E	98-06-040
230-30-070	AMD	98-15-074	232-28-02240	AMD-P	98-05-090	232-28-61900H	NEW-E	98-06-040
230-30-080	AMD-P	98-18-081	232-28-02240	AMD	98-10-020	232-28-61900H	REP-E	98-12-085
230-30-080	AMD-W	98-10-081	232-28-02250	REP	98-10-019	232-28-61900I	NEW-E	98-06-041
230-30-080	AMD-P	98-09-058	232-28-02250	REP-P	98-05-086	232-28-61900I	REP-E	98-07-031
230-30-080	AMD	98-15-074	232-28-02260	REP-P	98-05-086	232-28-61900J	NEW-E	98-07-012
230-30-106	AMD-W	98-03-034	232-28-02260	REP	98-10-019	232-28-61900K	NEW-E	98-07-031
230-30-106	AMD-P	98-09-058	232-28-02270	REP	98-10-019	232-28-61900L	NEW-E	98-07-056
230-30-106	AMD	98-15-074	232-28-02270	REP-P	98-05-086	232-28-61900L	REP-E	98-07-056
230-30-220	REP-W	98-10-050	232-28-240	REP	98-10-019	232-28-61900M	REP-E	98-10-030
230-30-225	NEW-P	98-06-027	232-28-240	REP-P	98-05-086	232-28-61900M	NEW-E	98-10-030
230-30-225	NEW	98-10-067	232-28-242	REP	98-10-019	232-28-61900N	NEW-W	98-05-063
230-30-225	NEW	98-12-005	232-28-242	REP-P	98-05-086	232-28-61900N	NEW-E	98-11-019
232-12-002	NEW-P	98-10-098	232-28-248	AMD-P	98-05-093	232-28-61900P	NEW-E	98-12-085
232-12-002	NEW	98-14-013	232-28-248	AMD	98-10-018	232-28-61900Q	NEW-E	98-13-005
232-12-010	AMD	98-06-031	232-28-249	REP-P	98-05-086	232-28-61900Q	NEW-E	98-13-005
232-12-011	AMD-W	98-18-027	232-28-249	REP	98-10-019	232-28-61900R	NEW-E	98-15-090
232-12-011	AMD-P	98-17-091	232-28-252	REP-P	98-05-086	232-28-61900S	NEW-E	98-16-042
232-12-011	AMD	98-06-031	232-28-252	REP	98-10-019	232-28-61900S	REP-E	98-16-042
232-12-011	AMD-P	98-05-084	232-28-253	REP	98-10-019	232-28-61900U	NEW-E	98-18-049

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-28-61900V	NEW-E	98-18-051	246-222-080	AMD	98-13-037	246-254-090	AMD-P	98-07-080
232-28-61900V	REP-E	98-18-051	246-232-010	AMD-P	98-09-108	246-254-090	AMD	98-11-067
232-28-61900W	REP-E	98-06-041	246-232-010	AMD	98-13-037	246-254-100	AMD-P	98-07-080
232-28-61900Y	REP-E	98-07-031	246-232-040	AMD-P	98-09-108	246-254-100	AMD	98-11-067
232-28-61900Z	REP-E	98-06-035	246-232-040	AMD	98-13-037	246-282-005	AMD	98-18-066
236-11-010	AMD-XA	98-07-110	246-233-010	AMD-P	98-09-108	246-282-005	AMD	98-03-096
236-11-020	REP-XA	98-07-110	246-233-010	AMD	98-13-037	246-282-005	AMD-P	98-14-122
236-11-040	REP-XA	98-07-110	246-233-020	AMD-P	98-09-108	246-282-990	AMD-P	98-08-118
236-11-050	AMD-XA	98-07-110	246-233-020	AMD	98-13-037	246-282-990	AMD	98-12-068
236-11-070	REP-XA	98-07-110	246-235-020	AMD-P	98-09-108	246-290-990	AMD-P	98-07-082
236-11-080	AMD-XA	98-07-110	246-235-020	AMD	98-13-037	246-290-990	AMD	98-11-068
236-11-090	REP-XA	98-07-110	246-235-080	AMD-P	98-09-108	246-292-160	AMD-P	98-07-082
236-11-100	AMD-XA	98-07-110	246-235-080	AMD	98-13-037	246-292-160	AMD	98-12-015
236-11-110	AMD-XA	98-07-110	246-235-090	AMD-P	98-09-108	246-310-010	AMD	98-10-053
236-11-120	REP-XA	98-07-110	246-235-090	AMD	98-13-037	246-310-010	AMD-XA	98-05-057
236-22	PREP	98-12-109	246-235-091	NEW-P	98-09-108	246-310-044	AMD-XA	98-05-057
246-12-001	NEW	98-05-060	246-235-091	NEW	98-13-037	246-310-044	AMD	98-10-053
246-12-010	NEW	98-05-060	246-235-093	NEW-P	98-09-108	246-310-045	NEW-XA	98-12-067
246-12-020	NEW	98-05-060	246-235-093	NEW	98-13-037	246-310-050	AMD-XA	98-05-057
246-12-030	NEW	98-05-060	246-235-095	NEW-P	98-09-108	246-310-050	AMD	98-10-053
246-12-040	NEW	98-05-060	246-235-095	NEW	98-13-037	246-310-080	AMD-XA	98-05-057
246-12-060	NEW	98-05-060	246-235-097	NEW-P	98-09-108	246-310-080	AMD	98-10-053
246-12-070	NEW	98-05-060	246-235-097	NEW	98-13-037	246-310-080	AMD-XA	98-05-057
246-12-080	NEW	98-05-060	246-235-100	AMD-P	98-09-108	246-310-090	AMD-XA	98-05-057
246-12-090	NEW	98-05-060	246-235-100	AMD	98-13-037	246-310-090	AMD	98-10-053
246-12-100	NEW	98-05-060	246-235-102	NEW-P	98-09-108	246-310-120	AMD-XA	98-05-057
246-12-110	NEW	98-05-060	246-235-102	NEW	98-13-037	246-310-120	AMD	98-10-053
246-12-120	NEW	98-05-060	246-235-105	NEW-P	98-09-108	246-310-132	AMD	98-10-053
246-12-130	NEW	98-05-060	246-235-105	NEW	98-13-037	246-310-132	AMD-XA	98-05-057
246-12-140	NEW	98-05-060	246-235-120	AMD-P	98-09-108	246-310-150	AMD	98-10-053
246-12-160	NEW	98-05-060	246-235-120	AMD	98-13-037	246-310-150	AMD-XA	98-05-057
246-12-165	NEW	98-05-060	246-239-010	AMD-P	98-09-108	246-310-160	AMD	98-10-053
246-12-170	NEW	98-05-060	246-239-010	AMD	98-13-037	246-310-160	AMD-XA	98-05-057
246-12-180	NEW	98-05-060	246-239-022	AMD-P	98-09-108	246-310-170	AMD	98-10-053
246-12-190	NEW	98-05-060	246-239-022	AMD	98-13-037	246-310-170	AMD-XA	98-05-057
246-12-200	NEW	98-05-060	246-239-025	AMD-P	98-09-108	246-310-180	AMD-XA	98-05-057
246-12-210	NEW	98-05-060	246-239-025	AMD	98-13-037	246-310-180	AMD	98-10-053
246-12-220	NEW	98-05-060	246-239-040	AMD-P	98-09-108	246-310-395	AMD	98-17-099
246-12-230	NEW	98-05-060	246-239-040	AMD	98-13-037	246-310-395	AMD-XA	98-05-057
246-12-240	NEW	98-05-060	246-239-055	NEW-P	98-09-108	246-310-395	AMD	98-10-053
246-12-250	NEW	98-05-060	246-239-055	NEW	98-13-037	246-310-395	AMD-XA	98-12-067
246-12-260	NEW	98-05-060	246-240-010	AMD-P	98-09-108	246-310-396	AMD	98-10-053
246-12-270	NEW	98-05-060	246-240-010	AMD	98-13-037	246-310-396	AMD-XA	98-05-057
246-12-280	NEW	98-05-060	246-240-015	AMD-P	98-09-108	246-310-397	AMD	98-17-099
246-12-290	NEW	98-05-060	246-240-015	AMD	98-13-037	246-310-397	AMD-XA	98-12-067
246-12-300	NEW	98-05-060	246-240-020	AMD-P	98-09-108	246-310-560	AMD-XA	98-05-057
246-12-310	NEW	98-05-060	246-240-020	AMD	98-13-037	246-310-560	AMD	98-10-053
246-12-320	NEW	98-05-060	246-240-025	NEW-P	98-09-108	246-310-610	AMD-XA	98-05-057
246-12-330	NEW	98-05-060	246-240-025	NEW	98-13-037	246-310-610	AMD	98-10-053
246-12-340	NEW	98-05-060	246-240-050	AMD-P	98-09-108	246-310-620	REP-XR	98-18-068
246-12-350	NEW	98-05-060	246-240-050	AMD	98-13-037	246-312	AMD-P	98-09-111
246-12-360	NEW	98-05-060	246-244-240	AMD-P	98-09-108	246-312	AMD	98-14-056
246-217	PREP	98-13-108	246-244-240	AMD	98-13-037	246-312-020	NEW-P	98-09-111
246-220-010	AMD-P	98-09-108	246-247-010	AMD-P	98-09-108	246-312-020	NEW	98-14-056
246-220-010	AMD	98-13-037	246-247-010	AMD	98-13-037	246-312-030	NEW-P	98-09-111
246-221-001	AMD-P	98-09-108	246-249-010	AMD	98-09-117	246-312-030	NEW	98-14-056
246-221-001	AMD	98-13-037	246-249-010	AMD-XA	98-03-095	246-312-035	NEW-P	98-09-111
246-221-060	AMD-P	98-09-108	246-249-090	AMD-XA	98-03-095	246-312-035	NEW	98-14-056
246-221-060	AMD	98-13-037	246-249-090	AMD	98-09-117	246-312-040	NEW-P	98-09-111
246-221-117	AMD-P	98-09-110	246-250-600	AMD-XA	98-03-095	246-312-040	NEW	98-14-056
246-221-117	AMD	98-13-034	246-250-600	AMD	98-09-117	246-312-050	NEW-P	98-09-111
246-221-130	AMD-P	98-09-108	246-254-053	AMD-P	98-07-081	246-312-050	NEW	98-14-056
246-221-130	AMD	98-13-037	246-254-053	AMD	98-11-066	246-312-060	NEW-P	98-09-111
246-221-250	AMD-P	98-09-108	246-254-070	AMD-P	98-07-080	246-312-060	NEW	98-14-056
246-221-250	AMD	98-13-037	246-254-070	AMD	98-11-067	246-312-070	NEW-P	98-09-111
246-221-265	PREP	98-06-078	246-254-080	AMD-P	98-07-080	246-312-070	NEW	98-14-056
246-222-080	AMD-P	98-09-108	246-254-080	AMD	98-11-067	246-312-080	NEW-P	98-09-111

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-312-080	NEW	98-14-056	246-810-080	AMD	98-05-060	246-822-120	AMD	98-05-060
246-312-090	NEW-P	98-09-111	246-810-130	AMD	98-05-060	246-822-990	AMD	98-05-060
246-312-090	NEW	98-14-056	246-810-140	REP-W	98-05-059	246-824-020	AMD	98-05-060
246-312-100	NEW-P	98-09-111	246-810-990	AMD	98-05-060	246-824-040	AMD	98-05-060
246-312-100	NEW	98-14-056	246-812-001	RE-AD-P	98-14-124	246-824-071	AMD	98-05-060
246-312-110	NEW-P	98-09-111	246-812-010	RE-AD-P	98-14-124	246-824-073	AMD	98-05-060
246-312-120	NEW-P	98-09-111	246-812-015	RE-AD-P	98-14-124	246-824-074	NEW	98-05-060
246-312-200	NEW	98-14-056	246-812-101	RE-AD-P	98-14-124	246-824-075	AMD	98-05-060
246-316-990	RESCIND	98-17-067	246-812-120	AMD	98-05-060	246-824-170	AMD	98-05-060
246-316-990	AMD-E	98-04-090	246-812-120	RE-AD-P	98-14-124	246-824-990	AMD	98-05-060
246-316-990	PREP	98-14-085	246-812-125	RE-AD-P	98-14-124	246-824-995	NEW	98-05-060
246-316-990	AMD-E	98-14-087	246-812-130	REP-W	98-08-111	246-826-050	AMD	98-05-060
246-318-990	AMD-P	98-09-109	246-812-130	AMD-P	98-14-124	246-826-230	AMD	98-05-060
246-318-990	AMD	98-13-035	246-812-140	REP	98-05-060	246-826-990	AMD	98-05-060
246-327-990	AMD-P	98-09-112	246-812-150	RE-AD-P	98-14-124	246-826-995	NEW-W	98-05-059
246-327-990	AMD	98-13-036	246-812-155	AMD-P	98-14-124	246-826-005	REP	98-15-089
246-328-100	REP	98-05-060	246-812-160	AMD	98-05-060	246-828-005	AMD	98-06-079
246-328-200	AMD	98-05-060	246-812-160	RE-AD-P	98-14-124	246-828-005	REP-XR	98-08-112
246-328-990	AMD	98-05-060	246-812-161	NEW	98-05-060	246-828-015	REP-XR	98-08-113
246-331-990	AMD-P	98-09-112	246-812-161	RE-AD-P	98-14-124	246-828-015	REP	98-15-089A
246-331-990	AMD	98-13-036	246-812-170	RE-AD-P	98-14-124	246-828-020	AMD-P	98-07-084
246-336-990	AMD-P	98-09-112	246-812-301	RE-AD-P	98-14-124	246-828-020	AMD	98-13-110
246-336-990	AMD	98-13-036	246-812-320	RE-AD-P	98-14-124	246-828-025	NEW-P	98-07-083
246-338	PREP	98-17-100	246-812-330	RE-AD-P	98-14-124	246-828-025	NEW	98-13-109
246-340-085	REP	98-09-120	246-812-340	RE-AD-P	98-14-124	246-828-030	AMD	98-06-079
246-358-600	NEW-E	98-11-001	246-812-350	RE-AD-P	98-14-124	246-828-050	REP	98-05-060
246-358-610	NEW-E	98-11-001	246-812-360	RE-AD-P	98-14-124	246-828-075	AMD	98-06-079
246-358-620	NEW-E	98-11-001	246-812-390	RE-AD-P	98-14-124	246-828-080	AMD	98-06-079
246-358-630	NEW-E	98-11-001	246-812-400	RE-AD-P	98-14-124	246-828-090	AMD	98-06-079
246-358-640	NEW-E	98-11-001	246-812-410	RE-AD-P	98-14-124	246-828-095	NEW-P	98-08-117
246-358-650	NEW-E	98-11-001	246-812-420	RE-AD-P	98-14-124	246-828-095	NEW	98-14-055
246-490-019	REP	98-18-067	246-812-430	RE-AD-P	98-14-124	246-828-100	AMD	98-06-079
246-560	PREP	98-18-071	246-812-440	RE-AD-P	98-14-124	246-828-105	NEW-P	98-08-117
246-562-010	NEW-P	98-15-154	246-812-450	RE-AD-P	98-14-124	246-828-105	NEW	98-14-055
246-562-020	NEW-P	98-15-154	246-812-460	RE-AD-P	98-14-124	246-828-270	AMD	98-06-079
246-562-040	NEW-P	98-15-154	246-812-501	AMD-P	98-14-124	246-828-280	AMD	98-06-079
246-562-050	NEW-P	98-15-154	246-812-510	RE-AD-P	98-14-124	246-828-295	AMD	98-05-060
246-562-060	NEW-P	98-15-154	246-812-520	RE-AD-P	98-14-124	246-828-295	AMD-W	98-05-058
246-562-070	NEW-P	98-15-154	246-812-601	RE-AD-P	98-14-124	246-828-300	AMD-W	98-05-058
246-562-080	NEW-P	98-15-154	246-812-610	RE-AD-P	98-14-124	246-828-300	AMD	98-05-060
246-562-090	NEW-P	98-15-154	246-812-620	RE-AD-P	98-14-124	246-828-320	AMD	98-06-079
246-562-100	NEW-P	98-15-154	246-812-630	RE-AD-P	98-14-124	246-828-320	AMD	98-06-079
246-562-110	NEW-P	98-15-154	246-812-990	AMD	98-05-060	246-828-330	AMD	98-06-079
246-562-120	NEW-P	98-15-154	246-812-990	RE-AD-P	98-14-124	246-828-340	AMD	98-06-079
246-562-130	NEW-P	98-15-154	246-812-995	NEW	98-05-060	246-828-350	AMD	98-06-079
246-562-140	NEW-P	98-15-154	246-812-995	RE-AD-P	98-14-124	246-828-370	AMD	98-05-060
246-562-150	NEW-P	98-15-154	246-815-020	AMD	98-05-060	246-828-370	AMD-W	98-05-058
246-780	PREP	98-14-117	246-815-040	REP	98-05-060	246-828-510	AMD	98-05-060
246-802-020	REP	98-05-060	246-815-040	REP	98-05-060	246-828-520	REP	98-05-060
246-802-025	AMD	98-05-060	246-815-060	REP-XR	98-07-087	246-828-530	AMD	98-05-060
246-802-090	AMD	98-05-060	246-815-060	REP	98-14-123	246-828-540	REP	98-05-060
246-802-250	AMD	98-05-060	246-815-070	REP-XR	98-07-087	246-828-560	REP	98-05-060
246-802-990	AMD	98-05-060	246-815-070	REP	98-14-123	246-828-990	AMD	98-05-060
246-808-105	AMD	98-05-060	246-815-080	REP-XR	98-07-087	246-830-035	AMD	98-05-060
246-808-106	REP	98-05-060	246-815-080	REP	98-14-123	246-830-050	REP	98-05-060
246-808-150	AMD	98-05-060	246-815-090	REP-XR	98-07-087	246-830-460	AMD	98-05-060
246-808-155	AMD	98-05-060	246-815-090	REP	98-14-123	246-830-465	REP	98-05-060
246-808-160	REP	98-05-060	246-815-100	AMD	98-05-060	246-830-470	REP	98-05-060
246-808-165	AMD	98-05-060	246-815-140	AMD	98-05-060	246-830-480	REP	98-05-060
246-808-180	AMD	98-05-060	246-815-150	REP	98-05-060	246-830-990	AMD	98-05-060
246-808-181	NEW	98-05-060	246-815-300	REP	98-05-060	246-834-060	AMD	98-05-060
246-808-185	REP	98-05-060	246-815-990	AMD	98-05-060	246-834-060	PREP	98-11-064
246-808-215	AMD	98-05-060	246-817-110	AMD	98-05-060	246-834-065	AMD	98-05-060
246-808-990	AMD	98-05-060	246-817-150	AMD	98-05-060	246-834-070	PREP	98-11-064
246-810	PREP	98-16-063	246-817-201	REP	98-05-060	246-834-080	PREP	98-11-064
246-810-020	REP	98-05-060	246-817-210	REP	98-05-060	246-834-170	AMD	98-05-060
246-810-022	REP	98-05-060	246-817-990	AMD	98-05-060	246-834-200	AMD	98-05-060
			246-822-110	REP	98-05-060	246-834-260	AMD	98-05-060

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-834-400	NEW	98-05-060	246-850-030	NEW-P	98-18-065	246-918-180	AMD	98-05-060
246-834-500	REP	98-05-060	246-850-040	NEW-P	98-18-065	246-918-990	AMD	98-05-060
246-834-990	AMD-P	98-07-085	246-850-050	NEW-P	98-18-065	246-919-030	REP	98-05-060
246-834-990	AMD	98-11-069	246-850-090	NEW-P	98-18-065	246-919-305	REP	98-05-060
246-836-080	AMD	98-05-060	246-850-100	NEW-P	98-18-065	246-919-380	AMD	98-05-060
246-836-090	REP	98-05-060	246-850-110	NEW-P	98-18-065	246-919-400	REP	98-05-060
246-836-410	AMD	98-05-060	246-850-120	NEW-P	98-18-065	246-919-410	REP	98-05-060
246-836-990	AMD	98-05-060	246-850-990	NEW-P	98-18-065	246-919-420	REP	98-05-060
246-836-990	AMD-W	98-05-058	246-851-020	REP	98-05-060	246-919-430	AMD	98-05-060
246-840-010	AMD-C	98-08-116	246-851-090	AMD	98-05-060	246-919-440	REP	98-05-060
246-840-010	AMD-W	98-09-040	246-851-100	REP	98-05-060	246-919-460	AMD	98-05-060
246-840-010	AMD	98-05-060	246-851-220	REP	98-05-060	246-919-480	AMD	98-05-060
246-840-020	AMD	98-05-060	246-851-240	REP	98-05-060	246-919-500	REP	98-09-118
246-840-030	AMD-XA	98-18-072	246-851-430	AMD	98-05-060	246-919-510	REP	98-09-118
246-840-040	AMD	98-05-060	246-851-510	REP	98-05-060	246-919-990	AMD	98-05-060
246-840-080	AMD	98-05-060	246-851-990	AMD	98-05-060	246-922-070	AMD	98-05-060
246-840-090	AMD	98-05-060	246-853-040	REP	98-05-060	246-922-275	REP	98-05-060
246-840-100	REP	98-05-060	246-853-045	AMD	98-05-060	246-922-280	REP	98-05-060
246-840-110	REP	98-05-060	246-853-060	AMD	98-05-060	246-922-285	NEW	98-05-060
246-840-111	NEW	98-05-060	246-853-080	AMD	98-05-060	246-922-290	AMD	98-05-060
246-840-113	REP-XR	98-18-069	246-853-210	AMD	98-05-060	246-922-295	AMD	98-05-060
246-840-115	REP	98-05-060	246-853-230	AMD	98-05-060	246-922-300	AMD	98-05-060
246-840-120	AMD	98-05-060	246-853-240	REP	98-05-060	246-922-320	REP	98-05-060
246-840-340	AMD	98-05-060	246-853-270	REP	98-05-060	246-922-990	AMD	98-05-060
246-840-350	AMD	98-05-060	246-853-275	REP	98-05-060	246-922-995	NEW	98-05-060
246-840-360	AMD	98-05-060	246-853-990	AMD	98-05-060	246-924-110	AMD	98-05-060
246-840-365	AMD	98-05-060	246-854-050	AMD	98-05-060	246-924-120	REP	98-05-060
246-840-410	AMD	98-05-060	246-854-080	AMD	98-05-060	246-924-230	AMD	98-05-060
246-840-440	AMD	98-05-060	246-854-110	AMD	98-05-060	246-924-290	REP	98-05-060
246-840-450	AMD	98-05-060	246-855-100	AMD	98-05-060	246-924-320	REP	98-05-060
246-840-730	PREP	98-09-115	246-861-010	AMD	98-05-060	246-924-490	REP	98-05-060
246-840-985	NEW-C	98-08-116	246-861-020	AMD	98-05-060	246-924-500	AMD	98-05-060
246-840-985	NEW-W	98-09-040	246-861-120	REP	98-05-060	246-924-990	AMD	98-05-060
246-840-990	AMD	98-05-060	246-863-030	AMD	98-05-060	246-926-160	REP	98-05-060
246-840-990	PREP	98-10-108	246-863-050	REP	98-05-060	246-926-170	AMD	98-05-060
246-841-520	NEW	98-05-060	246-863-070	AMD	98-05-060	246-926-200	AMD	98-05-060
246-841-610	AMD	98-05-060	246-863-080	AMD	98-05-060	246-926-990	AMD	98-05-060
246-841-990	AMD	98-05-060	246-863-090	AMD	98-05-060	246-926-995	NEW-W	98-05-059
246-843-150	AMD	98-05-060	246-863-120	AMD	98-05-060	246-928	PREP	98-08-114
246-843-155	REP	98-05-060	246-869-050	REP	98-05-060	246-928-090	REP	98-05-060
246-843-160	REP	98-05-060	246-869-220	PREP	98-11-065	246-928-190	AMD	98-05-060
246-843-162	AMD	98-05-060	246-879-070	AMD	98-05-060	246-928-990	AMD	98-05-060
246-843-180	AMD	98-05-060	246-883-050	REP-XR	98-07-088	246-930-020	AMD	98-05-060
246-843-230	AMD	98-05-060	246-887-020	AMD	98-05-060	246-930-400	REP	98-05-060
246-843-250	REP	98-05-060	246-887-170	AMD	98-02-084	246-930-410	AMD	98-05-060
246-843-320	REP	98-05-060	246-901-065	AMD	98-05-060	246-930-420	AMD	98-05-060
246-843-330	AMD	98-05-060	246-901-120	AMD	98-05-060	246-930-430	REP	98-05-060
246-843-990	AMD	98-05-060	246-904	PREP	98-04-037	246-930-431	NEW	98-05-060
246-845-100	REP	98-05-060	246-907-020	REP	98-05-060	246-930-990	AMD	98-05-060
246-845-990	PREP	98-09-116	246-907-030	AMD	98-10-052	246-930-995	NEW	98-05-060
246-845-990	AMD	98-05-060	246-907-030	AMD-P	98-07-086	246-933-180	REP	98-05-060
246-847-055	AMD	98-05-060	246-907-030	AMD	98-05-060	246-933-305	AMD	98-05-060
246-847-060	REP	98-05-060	246-907-995	NEW	98-05-060	246-933-420	AMD	98-05-060
246-847-065	AMD	98-05-060	246-915-010	AMD	98-05-060	246-933-430	REP	98-05-060
246-847-068	AMD	98-05-060	246-915-050	AMD	98-05-060	246-933-470	REP	98-05-060
246-847-070	AMD	98-05-060	246-915-060	REP	98-05-060	246-933-480	AMD	98-05-060
246-847-190	AMD	98-05-060	246-915-085	AMD	98-05-060	246-933-990	AMD	98-05-060
246-847-200	REP	98-05-060	246-915-110	AMD	98-05-060	246-935-130	AMD	98-05-060
246-847-990	AMD	98-05-060	246-915-990	AMD	98-05-060	246-935-990	AMD	98-05-060
246-849-110	AMD	98-05-060	246-918-006	REP	98-05-060	246-937-050	AMD	98-05-060
246-849-210	AMD	98-05-060	246-918-008	REP	98-09-118	246-937-080	AMD	98-05-060
246-849-220	AMD	98-05-060	246-918-009	REP	98-09-118	246-937-990	AMD	98-05-060
246-849-260	AMD	98-05-060	246-918-080	AMD	98-05-060	246-976-470	REP	98-04-038
246-849-990	AMD	98-05-060	246-918-081	NEW	98-05-060	246-976-475	REP	98-04-038
246-849-995	NEW	98-05-060	246-918-085	REP	98-05-060	246-976-480	REP	98-04-038
246-850-010	NEW-P	98-18-065	246-918-160	REP	98-09-119	246-976-485	NEW	98-04-038
246-850-020	NEW-P	98-18-065	246-918-170	AMD	98-05-060	246-976-490	NEW	98-04-038

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-976-500	AMD	98-04-038	250-12-050	REP	98-08-008	251-04-060	AMD-P	98-15-036
246-976-510	AMD	98-04-038	250-12-060	REP	98-08-008	251-04-070	AMD-P	98-15-036
246-976-520	AMD	98-04-038	250-12-070	REP	98-08-008	251-04-150	REP-P	98-15-036
246-976-550	AMD	98-04-038	250-16-001	REP	98-08-007	251-04-160	AMD-P	98-15-036
246-976-560	AMD	98-04-038	250-16-010	REP	98-08-007	251-04-170	NEW-C	98-06-014
246-976-560	AMD-XA	98-14-121	250-16-020	REP	98-08-007	251-04-170	NEW	98-08-024
246-976-570	AMD	98-04-038	250-16-030	REP	98-08-007	251-04-170	AMD-P	98-15-036
246-976-600	AMD	98-04-038	250-16-040	REP	98-08-007	251-05-010	AMD-P	98-15-036
246-976-610	AMD	98-04-038	250-16-050	REP	98-08-007	251-05-030	AMD-P	98-15-036
246-976-610	AMD-XA	98-14-121	250-16-060	REP	98-08-007	251-05-040	AMD-P	98-15-036
246-976-615	NEW	98-04-038	250-18-020	AMD	98-08-004	251-05-050	AMD-P	98-16-053
246-976-620	NEW	98-04-038	250-18-060	AMD	98-08-004	251-05-060	AMD-P	98-15-036
246-976-640	AMD	98-04-038	250-55-010	REP	98-08-009	251-05-070	AMD-P	98-15-036
246-976-650	AMD	98-04-038	250-55-020	REP	98-08-009	251-06-020	AMD-P	98-15-036
246-976-650	AMD-XA	98-14-121	250-55-030	REP	98-08-009	251-06-070	AMD-P	98-15-036
246-976-680	AMD	98-04-038	250-55-040	REP	98-08-009	251-06-090	AMD-P	98-15-036
246-976-690	AMD	98-04-038	250-55-050	REP	98-08-009	251-07-100	AMD-P	98-15-036
246-976-720	AMD	98-04-038	250-55-060	REP	98-08-009	251-08-021	AMD-P	98-15-036
246-976-720	AMD-XA	98-14-121	250-55-070	REP	98-08-009	251-08-040	REP-P	98-15-036
246-976-730	AMD	98-04-038	250-55-080	REP	98-08-009	251-08-051	AMD-P	98-15-036
246-976-730	AMD-XA	98-14-121	250-55-090	REP	98-08-009	251-08-090	AMD-P	98-15-036
246-976-740	AMD	98-04-038	250-55-100	REP	98-08-009	251-08-100	AMD-P	98-15-036
246-976-770	AMD	98-04-038	250-55-110	REP	98-08-009	251-08-160	AMD-P	98-15-036
246-976-770	AMD-XA	98-14-121	250-55-120	REP	98-08-009	251-10-030	AMD	98-03-051
246-976-780	AMD	98-04-038	250-55-130	REP	98-08-009	251-10-030	AMD-P	98-15-036
246-976-780	AMD-XA	98-14-121	250-55-140	REP	98-08-009	251-10-035	AMD-P	98-15-036
246-976-790	AMD	98-04-038	250-55-150	REP	98-08-009	251-11-030	AMD-P	98-15-036
246-976-810	AMD	98-04-038	250-55-160	REP	98-08-009	251-11-050	AMD-P	98-15-036
246-976-810	AMD-XA	98-14-121	250-55-170	REP	98-08-009	251-11-090	AMD-P	98-15-036
246-976-820	AMD	98-04-038	250-55-180	REP	98-08-009	251-11-120	AMD-P	98-15-036
246-976-820	AMD-XA	98-14-121	250-55-190	REP	98-08-009	251-11-130	AMD-P	98-15-036
246-976-822	NEW	98-04-038	250-55-200	REP	98-08-009	251-12-073	AMD-P	98-15-036
246-976-830	AMD	98-04-038	250-55-210	REP	98-08-009	251-12-075	AMD-P	98-15-036
246-976-840	AMD	98-04-038	250-55-220	REP	98-08-009	251-12-076	AMD-P	98-15-036
246-976-850	AMD	98-04-038	250-61-060	AMD-XA	98-08-001	251-12-080	AMD-P	98-15-036
246-976-860	AMD	98-04-038	250-61-090	AMD-XA	98-08-002	251-12-085	REP-P	98-15-036
246-976-860	AMD-XA	98-14-121	250-61-150	REP	98-08-005	251-12-096	REP-P	98-15-036
246-976-870	NEW	98-04-038	250-71-050	AMD	98-08-003	251-12-097	REP-P	98-15-036
246-976-880	REP	98-04-038	250-72-015	AMD-E	98-14-008	251-12-099	AMD-P	98-15-036
246-976-881	NEW	98-04-038	250-72-020	AMD-E	98-14-008	251-12-100	AMD-P	98-15-036
246-976-885	AMD	98-04-038	250-72-025	AMD-E	98-14-008	251-12-104	AMD-P	98-15-036
246-976-890	AMD	98-04-038	250-72-030	REP-E	98-14-008	251-12-105	AMD-P	98-15-036
246-976-935	NEW	98-05-035	250-72-035	AMD-E	98-14-008	251-12-220	AMD-P	98-15-036
250-10-010	REP	98-08-006	250-72-040	AMD-E	98-14-008	251-12-230	AMD-P	98-15-036
250-10-020	REP	98-08-006	250-72-045	AMD-E	98-14-008	251-12-232	AMD-P	98-15-036
250-10-022	REP	98-08-006	250-73-015	AMD-E	98-14-007	251-12-260	AMD-P	98-15-036
250-10-026	REP	98-08-006	250-73-020	AMD-E	98-14-007	251-12-290	REP-P	98-15-036
250-10-028	REP	98-08-006	250-73-025	AMD-E	98-14-007	251-12-300	REP-P	98-15-036
250-10-030	REP	98-08-006	250-73-030	REP-E	98-14-007	251-12-500	AMD-P	98-15-036
250-10-040	REP	98-08-006	250-73-035	AMD-E	98-14-007	251-12-600	AMD-P	98-15-036
250-10-050	REP	98-08-006	250-73-040	AMD-E	98-14-007	251-14-052	AMD-P	98-15-036
250-10-060	REP	98-08-006	250-73-045	AMD-E	98-14-007	251-14-060	AMD-P	98-15-036
250-10-070	REP	98-08-006	251-01-018	NEW-P	98-15-036	251-14-070	AMD-P	98-15-036
250-10-080	REP	98-08-006	251-01-030	AMD-P	98-15-036	251-14-082	AMD-P	98-15-036
250-10-090	REP	98-08-006	251-01-045	AMD-P	98-15-036	251-14-085	AMD-P	98-15-036
250-10-100	REP	98-08-006	251-01-065	AMD-P	98-16-053	251-14-087	AMD-P	98-15-036
250-10-110	REP	98-08-006	251-01-110	AMD-P	98-15-036	251-14-130	AMD-P	98-15-036
250-10-120	REP	98-08-006	251-01-150	AMD-P	98-15-036	251-17-120	AMD-P	98-15-036
250-10-130	REP	98-08-006	251-01-160	AMD-P	98-15-036	251-18-180	AMD-P	98-16-053
250-10-140	REP	98-08-006	251-01-201	NEW-P	98-15-036	251-19-060	AMD-P	98-15-036
250-10-150	REP	98-08-006	251-01-205	REP-P	98-15-036	251-19-100	AMD-C	98-06-015
250-10-160	REP	98-08-006	251-01-305	AMD-P	98-15-036	251-19-100	AMD	98-08-026
250-10-170	REP	98-08-006	251-01-365	AMD-P	98-15-036	251-19-105	AMD-C	98-06-013
250-12-010	REP	98-08-008	251-01-410	AMD-P	98-15-036	251-19-105	AMD	98-08-025
250-12-020	REP	98-08-008	251-04-030	AMD-P	98-15-036	251-19-110	AMD-P	98-15-036
250-12-030	REP	98-08-008	251-04-040	AMD-P	98-15-036	251-19-120	AMD-P	98-15-036
250-12-040	REP	98-08-008	251-04-050	AMD-P	98-15-036	251-19-122	AMD-P	98-15-036

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
251-19-140	AMD-P	98-15-036	255-02-110	NEW-P	98-04-059	275-46-040	AMD	98-18-056
251-19-154	NEW-P	98-09-067	255-02-110	NEW	98-11-005	275-46-040	AMD-P	98-14-061
251-19-154	NEW	98-13-058	260-24-560	AMD-P	98-16-103	275-46-050	AMD	98-18-056
251-19-157	AMD-P	98-15-036	260-24-560	PREP	98-10-110	275-46-050	AMD-P	98-14-061
251-20-010	AMD-P	98-15-036	260-32-180	AMD	98-07-070	275-46-060	AMD	98-18-056
251-22-040	AMD-P	98-15-036	260-32-360	REP	98-07-070	275-46-060	AMD-P	98-14-061
251-22-060	AMD-P	98-15-036	260-44	PREP	98-16-102	275-46-060	PREP	98-10-125
251-22-127	NEW-E	98-13-056	260-52-070	AMD-P	98-16-104	275-46-065	NEW	98-18-056
251-22-127	NEW	98-13-057	263-12-010	AMD-P	98-18-086	275-46-065	NEW-P	98-14-061
251-22-127	NEW-P	98-10-121	263-12-010	PREP	98-15-135	275-46-070	AMD	98-18-056
251-22-165	AMD-P	98-15-036	263-12-015	AMD-P	98-18-086	275-46-070	AMD-P	98-14-061
251-23-010	AMD-P	98-15-036	263-12-015	PREP	98-15-136	275-46-070	PREP	98-10-125
251-23-020	AMD-P	98-15-036	263-12-01501	AMD-P	98-18-086	275-46-080	NEW	98-18-056
251-23-030	AMD-P	98-15-036	263-12-01501	PREP	98-15-134	275-46-080	NEW-P	98-14-061
251-24-010	AMD-P	98-15-036	263-12-020	AMD-P	98-18-086	275-46-090	NEW	98-18-056
251-24-030	AMD-P	98-15-036	263-12-020	PREP	98-15-132	275-46-090	NEW-P	98-14-061
251-24-040	REP-P	98-16-053	263-12-175	AMD-P	98-18-086	275-46-100	NEW	98-18-056
251-24-040	AMD-P	98-15-036	263-12-175	PREP	98-15-133	275-46-100	NEW-P	98-14-061
251-25-050	AMD-P	98-15-036	263-12-180	AMD-P	98-18-086	275-59	PREP	98-10-105
255-01-010	NEW	98-07-071	263-12-180	PREP	98-15-133	284-01-050	NEW	98-04-063
255-01-010	NEW-P	98-04-060	275-25	PREP	98-09-092	284-05-040	AMD-XA	98-07-105
255-01-020	NEW-P	98-04-060	275-26	PREP	98-09-092	284-05-040	AMD	98-11-089
255-01-020	NEW	98-07-071	275-27	PREP	98-09-092	284-05-060	AMD-XA	98-07-105
255-01-030	NEW-P	98-04-060	275-27-020	AMD-P	98-16-091	284-05-060	AMD	98-11-089
255-01-030	NEW	98-07-071	275-27-020	PREP	98-10-040	284-05-070	REP-XA	98-07-105
255-01-040	NEW	98-07-071	275-27-020	AMD-E	98-13-041	284-05-070	REP	98-11-089
255-01-040	NEW-P	98-04-060	275-27-023	AMD-P	98-16-091	284-10	REP-C	98-03-004
255-01-050	NEW	98-07-071	275-27-023	AMD-E	98-13-041	284-10-010	REP	98-04-005
255-01-050	NEW-P	98-04-060	275-27-030	PREP	98-09-094	284-10-015	REP	98-04-005
255-01-060	NEW	98-07-071	275-27-040	AMD-P	98-16-091	284-10-020	REP	98-04-005
255-01-060	NEW-P	98-04-060	275-27-040	AMD-E	98-13-041	284-10-030	REP	98-04-005
255-01-070	NEW-P	98-04-060	275-27-050	AMD-P	98-16-091	284-10-050	REP	98-04-005
255-01-070	NEW	98-07-071	275-27-050	AMD-E	98-13-041	284-10-060	REP	98-04-005
255-01-080	NEW	98-07-071	275-27-180	PREP	98-10-040	284-10-070	REP	98-04-005
255-01-080	NEW-P	98-04-060	275-27-182	PREP	98-10-040	284-10-090	REP	98-04-005
255-01-090	NEW	98-07-071	275-27-185	PREP	98-10-040	284-10-140	REP	98-04-005
255-01-090	NEW-P	98-04-060	275-27-190	PREP	98-10-040	284-17-135	REP	98-06-022
255-01-100	NEW	98-07-071	275-27-195	PREP	98-10-040	284-17-220	AMD-XA	98-07-104
255-01-100	NEW-P	98-04-060	275-27-200	PREP	98-10-040	284-17-220	AMD	98-11-090
255-01-110	NEW	98-07-071	275-27-205	PREP	98-10-040	284-17-300	REP-XA	98-04-084
255-01-110	NEW-P	98-04-060	275-27-210	PREP	98-10-040	284-17-300	REP	98-09-041
255-01-120	NEW	98-07-071	275-27-212	PREP	98-10-040	284-17-570	REP-XA	98-07-065
255-01-120	NEW-P	98-04-060	275-27-230	AMD-P	98-16-091	284-17-570	REP	98-11-088
255-01-130	NEW	98-07-071	275-27-230	AMD-E	98-13-041	284-19-010	AMD-XA	98-08-097
255-01-130	NEW-P	98-04-060	275-27-810	PREP	98-09-094	284-19-010	AMD	98-13-095
255-01-140	NEW	98-07-071	275-27-820	PREP	98-09-094	284-19-020	AMD-XA	98-08-097
255-01-140	NEW-P	98-04-060	275-31	PREP	98-09-092	284-19-020	AMD	98-13-095
255-02-010	NEW-P	98-04-059	275-37	AMD	98-18-056	284-19-030	REP-XA	98-08-097
255-02-010	NEW	98-11-005	275-37	AMD-P	98-14-061	284-19-030	REP	98-13-095
255-02-020	NEW-P	98-04-059	275-37-010	AMD	98-18-056	284-19-040	AMD-XA	98-08-097
255-02-020	NEW	98-11-005	275-37-010	AMD-P	98-14-061	284-19-040	AMD	98-13-095
255-02-030	NEW-P	98-04-059	275-37-030	NEW	98-18-056	284-19-050	AMD-XA	98-08-097
255-02-030	NEW	98-11-005	275-37-030	NEW-P	98-14-061	284-19-050	AMD	98-13-095
255-02-040	NEW-P	98-04-059	275-38	PREP	98-09-092	284-19-060	AMD-XA	98-08-097
255-02-040	NEW	98-11-005	275-41	PREP	98-09-092	284-19-060	AMD	98-13-095
255-02-050	NEW-P	98-04-059	275-46	AMD	98-18-056	284-19-070	AMD-XA	98-08-097
255-02-050	NEW	98-11-005	275-46	AMD-P	98-14-061	284-19-070	AMD	98-13-095
255-02-060	NEW-P	98-04-059	275-46-010	AMD	98-18-056	284-19-080	AMD-XA	98-08-097
255-02-060	NEW	98-11-005	275-46-010	AMD-P	98-14-061	284-19-080	AMD	98-13-095
255-02-070	NEW-P	98-04-059	275-46-010	PREP	98-10-125	284-19-090	AMD-XA	98-08-097
255-02-070	NEW	98-11-005	275-46-015	NEW	98-18-056	284-19-090	AMD	98-13-095
255-02-080	NEW-P	98-04-059	275-46-015	NEW-P	98-14-061	284-19-100	AMD-XA	98-08-097
255-02-080	NEW	98-11-005	275-46-020	AMD	98-18-056	284-19-100	AMD	98-13-095
255-02-090	NEW-P	98-04-059	275-46-020	PREP	98-10-125	284-19-110	AMD-XA	98-08-097
255-02-090	NEW	98-11-005	275-46-020	AMD-P	98-14-061	284-19-110	AMD	98-13-095
255-02-100	NEW-P	98-04-059	275-46-030	AMD	98-18-056	284-19-120	AMD-XA	98-08-097
255-02-100	NEW	98-11-005	275-46-030	AMD-P	98-14-061	284-19-120	AMD	98-13-095

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
284-19-130	AMD-XA	98-08-097	284-28-001	REP-XA	98-07-065	284-43-950	NEW	98-04-011
284-19-130	AMD	98-13-095	284-28-001	REP	98-11-088	284-43-955	NEW	98-04-011
284-19-140	AMD-XA	98-08-097	284-30-600	PREP	98-17-084	284-44	REP-C	98-02-063
284-19-140	AMD	98-13-095	284-30-610	PREP	98-17-084	284-44	REP-C	98-03-004
284-19-150	AMD-XA	98-08-097	284-36A-010	AMD-XA	98-04-085	284-44-100	REP	98-04-011
284-19-150	AMD	98-13-095	284-36A-010	AMD	98-09-016	284-44-110	REP	98-04-011
284-19-160	AMD-XA	98-08-097	284-36A-020	AMD	98-09-016	284-44-120	REP	98-04-011
284-19-160	AMD	98-13-095	284-36A-020	AMD-XA	98-04-085	284-44-130	REP	98-04-011
284-19-170	AMD-XA	98-08-097	284-36A-025	AMD-XA	98-04-085	284-44-140	REP	98-04-011
284-19-170	AMD	98-13-095	284-36A-025	AMD	98-09-016	284-44-150	REP	98-04-011
284-19-180	AMD-XA	98-08-097	284-36A-030	REP	98-09-016	284-44-160	REP	98-04-011
284-19-180	AMD	98-13-095	284-36A-030	REP-XA	98-04-085	284-44-190	REP	98-04-011
284-20-006	AMD-XA	98-13-093	284-36A-040	NEW	98-09-016	284-44-200	REP	98-04-011
284-20-020	AMD-XA	98-13-093	284-36A-040	NEW-XA	98-04-085	284-44-210	REP	98-04-011
284-20-030	AMD-XA	98-13-093	284-36A-045	NEW	98-09-016	284-44-220	REP	98-04-011
284-20-040	AMD-XA	98-13-093	284-36A-045	NEW-XA	98-04-085	284-44-240	REP	98-04-005
284-20-050	AMD-XA	98-13-093	284-36A-050	NEW	98-09-016	284-44-260	REP-XA	98-07-065
284-20-070	REP-XA	98-13-093	284-36A-050	NEW-XA	98-04-085	284-44-360	REP	98-11-088
284-20-100	AMD-XA	98-13-093	284-36A-055	NEW	98-09-016	284-44-410	REP	98-04-005
284-20-200	AMD-XA	98-13-093	284-36A-055	NEW-XA	98-04-085	284-46	REP-C	98-03-004
284-23	AMD-C	98-07-062	284-36A-060	NEW	98-09-016	284-46-020	REP	98-04-005
284-23	AMD-C	98-02-062	284-36A-060	NEW-XA	98-04-085	284-46-575	REP	98-04-005
284-23	AMD-C	98-03-076	284-36A-065	NEW	98-09-016	284-50	PREP	98-13-091
284-23-120	REP-XA	98-07-065	284-36A-065	NEW-XA	98-04-085	284-50-435	REP-XA	98-07-065
284-23-120	REP	98-11-088	284-43	AMD-C	98-02-063	284-50-435	REP	98-11-088
284-23-130	REP-XA	98-07-065	284-43	AMD-C	98-03-004	284-51-180	REP-XA	98-04-084
284-23-130	REP	98-11-088	284-43	AMD	98-04-005	284-51-180	REP	98-09-041
284-23-200	AMD-P	98-04-083	284-43	PREP	98-13-090	284-54	PREP	98-13-087
284-23-200	AMD	98-11-003	284-43-040	REP	98-04-005	284-54	PREP	98-13-089
284-23-210	AMD-P	98-04-083	284-43-100	REP	98-04-005	284-58-010	AMD-XA	98-08-098
284-23-210	AMD	98-11-003	284-43-110	NEW	98-04-005	284-58-010	AMD	98-13-094
284-23-220	AMD-P	98-04-083	284-43-120	NEW	98-04-005	284-58-020	AMD-XA	98-08-098
284-23-220	AMD	98-11-003	284-43-130	NEW	98-04-005	284-58-020	AMD	98-13-094
284-23-230	AMD-P	98-04-083	284-43-200	NEW	98-04-005	284-58-040	REP-XA	98-04-084
284-23-230	AMD	98-11-003	284-43-210	NEW	98-04-005	284-58-040	REP	98-09-041
284-23-235	NEW-P	98-04-083	284-43-220	NEW	98-04-005	284-58-050	REP-XA	98-04-084
284-23-235	NEW	98-11-003	284-43-250	NEW	98-04-005	284-58-050	REP	98-09-041
284-23-240	AMD-P	98-04-083	284-43-300	NEW	98-04-005	284-58-060	REP-XA	98-04-084
284-23-240	AMD	98-11-003	284-43-310	NEW	98-04-005	284-58-060	REP	98-09-041
284-23-250	AMD-P	98-04-083	284-43-320	NEW	98-04-005	284-58-250	AMD-XA	98-08-098
284-23-250	AMD	98-11-003	284-43-330	NEW	98-04-005	284-58-250	AMD	98-13-094
284-23-260	REP-P	98-04-083	284-43-340	NEW	98-04-005	284-58-260	AMD-XA	98-08-098
284-23-260	REP	98-11-003	284-43-400	NEW-W	98-10-082	284-58-260	AMD	98-13-094
284-23-270	REP-P	98-04-083	284-43-410	NEW-W	98-10-082	284-58-270	REP-XA	98-08-098
284-23-270	REP	98-11-003	284-43-420	NEW-W	98-10-082	284-58-270	REP	98-13-094
284-23-380	REP-XA	98-07-065	284-43-610	NEW-W	98-10-082	284-58-280	REP-XA	98-08-098
284-23-380	REP	98-11-088	284-43-620	NEW-W	98-10-082	284-58-280	REP	98-13-094
284-23-610	AMD	98-05-026	284-43-630	NEW-W	98-10-082	284-60	PREP	98-13-087
284-23-620	AMD	98-05-026	284-43-640	NEW-W	98-10-082	284-66	PREP	98-13-088
284-23-640	AMD	98-05-026	284-43-650	NEW-W	98-10-082	284-74-010	AMD	98-05-069
284-23-645	NEW	98-05-026	284-43-700	NEW	98-04-005	284-74-020	NEW	98-05-069
284-23-650	AMD	98-05-026	284-43-710	NEW	98-04-005	286-04-010	AMD	98-08-014
284-23-660	AMD	98-05-026	284-43-720	NEW	98-04-005	286-04-010	AMD-P	98-04-079
284-23-690	AMD	98-05-026	284-43-730	NEW	98-04-005	286-04-060	AMD	98-08-014
284-23-710	AMD	98-05-026	284-43-800	NEW	98-04-005	286-04-060	AMD-P	98-04-079
284-23-730	AMD	98-05-026	284-43-900	NEW	98-04-011	286-06-065	AMD	98-08-014
284-24	PREP	98-05-102	284-43-905	NEW	98-04-011	286-13-030	AMD-P	98-04-079
284-24-005	NEW-P	98-13-092	284-43-910	NEW	98-04-011	286-13-030	AMD	98-08-014
284-24-015	AMD-P	98-13-092	284-43-915	NEW	98-04-011	286-13-040	AMD-P	98-04-079
284-24-060	AMD-P	98-13-092	284-43-920	NEW	98-04-011	286-13-040	AMD	98-08-014
284-24-062	NEW-P	98-13-092	284-43-925	NEW	98-04-011	286-13-045	AMD-P	98-04-079
284-24-065	PREP	98-04-081	284-43-930	NEW	98-04-011	286-13-045	AMD	98-08-014
284-24-065	AMD-P	98-13-092	284-43-930	AMD-XA	98-07-105	286-13-070	AMD-P	98-04-079
284-24-070	AMD-P	98-13-092	284-43-930	AMD	98-11-089	286-13-070	AMD	98-08-014
284-24-080	AMD-P	98-13-092	284-43-935	NEW	98-04-011	286-13-085	AMD	98-08-014
284-24-100	AMD-P	98-13-092	284-43-940	NEW	98-04-011	286-13-085	AMD-P	98-04-079
284-24-110	NEW-P	98-13-092	284-43-945	NEW	98-04-011	286-13-100	AMD	98-08-014

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
286-13-100	AMD-P	98-04-079	296-04-042	REP-W	98-12-074	296-04A-380	NEW-W	98-07-058
286-26-020	AMD	98-08-014	296-04-045	REP-W	98-12-074	296-04A-390	NEW-W	98-07-058
286-26-020	AMD-P	98-04-079	296-04-05001	REP-W	98-12-074	296-04A-400	NEW-W	98-07-058
286-26-110	AMD	98-08-014	296-04-060	REP-W	98-12-074	296-04A-410	NEW-W	98-07-058
286-26-110	AMD-P	98-04-079	296-04-090	REP-W	98-12-074	296-04A-420	NEW-W	98-07-058
286-27-040	AMD	98-08-014	296-04-105	REP-W	98-12-074	296-04A-430	NEW-W	98-07-058
286-27-040	AMD-P	98-04-079	296-04-115	REP-W	98-12-074	296-04A-440	NEW-W	98-07-058
286-27-055	AMD	98-08-014	296-04-125	REP-W	98-12-074	296-04A-460	NEW-W	98-07-058
286-27-055	AMD-P	98-04-079	296-04-160	REP-W	98-12-074	296-04A-470	NEW-W	98-07-058
286-27-065	AMD	98-08-014	296-04-165	REP-W	98-12-074	296-04A-480	NEW-W	98-07-058
286-27-065	AMD-P	98-04-079	296-04-260	REP-W	98-12-074	296-08-001	REP-XR	98-08-102
286-27-075	AMD	98-08-014	296-04-270	REP-W	98-12-074	296-08-020	REP-XR	98-08-102
286-27-075	AMD-P	98-04-079	296-04-275	REP-W	98-12-074	296-08-030	REP-XR	98-08-102
286-30-050	NEW	98-08-014	296-04-280	REP-W	98-12-074	296-08-040	REP-XR	98-08-102
286-30-050	NEW-P	98-04-079	296-04-295	REP-W	98-12-074	296-08-050	REP-XR	98-08-102
286-35-060	AMD	98-08-014	296-04-300	REP-W	98-12-074	296-08-060	REP-XR	98-08-102
286-35-060	AMD-P	98-04-079	296-04-310	REP-W	98-12-074	296-08-070	REP-XR	98-08-102
288-04-010	NEW	98-17-003	296-04-330	REP-W	98-12-074	296-08-080	REP-XR	98-08-102
288-04-010	NEW-P	98-14-060	296-04-340	REP-W	98-12-074	296-08-090	REP-XR	98-08-102
288-04-020	NEW	98-17-003	296-04-350	REP-W	98-12-074	296-08-100	REP-XR	98-08-102
288-04-020	NEW-P	98-14-060	296-04-351	REP-W	98-12-074	296-08-110	REP-XR	98-08-102
288-04-030	NEW	98-17-003	296-04-360	REP-W	98-12-074	296-08-120	REP-XR	98-08-102
288-04-030	NEW-P	98-14-060	296-04-370	REP-W	98-12-074	296-08-130	REP-XR	98-08-102
288-04-040	NEW	98-17-003	296-04-380	REP-W	98-12-074	296-08-140	REP-XR	98-08-102
288-04-040	NEW-P	98-14-060	296-04-390	REP-W	98-12-074	296-08-150	REP-XR	98-08-102
288-04-050	NEW	98-17-003	296-04-400	REP-W	98-12-074	296-08-160	REP-XR	98-08-102
288-04-050	NEW-P	98-14-060	296-04-410	REP-W	98-12-074	296-08-170	REP-XR	98-08-102
288-04-060	NEW	98-17-003	296-04-420	REP-W	98-12-074	296-08-180	REP-XR	98-08-102
288-04-060	NEW-P	98-14-060	296-04-430	REP-W	98-12-074	296-08-190	REP-XR	98-08-102
288-06-010	NEW	98-17-004	296-04-440	REP-W	98-12-074	296-08-200	REP-XR	98-08-102
288-06-010	NEW-P	98-14-059	296-04-460	REP-W	98-12-074	296-08-210	REP-XR	98-08-102
288-06-020	NEW	98-17-004	296-04-470	REP-W	98-12-074	296-08-220	REP-XR	98-08-102
288-06-020	NEW-P	98-14-059	296-04-480	REP-W	98-12-074	296-08-370	REP-XR	98-08-102
288-06-030	NEW	98-17-004	296-04A-001	NEW-W	98-07-058	296-08-380	REP-XR	98-08-102
288-06-030	NEW-P	98-14-059	296-04A-003	NEW-W	98-07-058	296-08-390	REP-XR	98-08-102
288-06-040	NEW	98-17-004	296-04A-006	NEW-W	98-07-058	296-08-400	REP-XR	98-08-102
288-06-040	NEW-P	98-14-059	296-04A-009	NEW-W	98-07-058	296-08-410	REP-XR	98-08-102
288-06-050	NEW	98-17-004	296-04A-012	NEW-W	98-07-058	296-08-420	REP-XR	98-08-102
288-06-050	NEW-P	98-14-059	296-04A-015	NEW-W	98-07-058	296-08-430	REP-XR	98-08-102
288-06-060	NEW	98-17-004	296-04A-018	NEW-W	98-07-058	296-08-440	REP-XR	98-08-102
288-06-060	NEW-P	98-14-059	296-04A-025	NEW-W	98-07-058	296-08-450	REP-XR	98-08-102
288-06-070	NEW	98-17-004	296-04A-028	NEW-W	98-07-058	296-08-460	REP-XR	98-08-102
288-06-070	NEW-P	98-14-059	296-04A-034	NEW-W	98-07-058	296-08-470	REP-XR	98-08-102
292-100	PREP	98-11-026	296-04A-037	NEW-W	98-07-058	296-08-480	REP-XR	98-08-102
292-110-010	AMD	98-08-054	296-04A-040	NEW-W	98-07-058	296-08-490	REP-XR	98-08-102
292-110-050	NEW	98-03-045	296-04A-043	NEW-W	98-07-058	296-08-500	REP-XR	98-08-102
292-110-060	NEW	98-04-001	296-04A-046	NEW-W	98-07-058	296-08-510	REP-XR	98-08-102
292-130-010	NEW-P	98-16-006	296-04A-049	NEW-W	98-07-058	296-08-520	REP-XR	98-08-102
292-130-020	NEW-P	98-16-006	296-04A-052	NEW-W	98-07-058	296-08-530	REP-XR	98-08-102
292-130-030	NEW-P	98-16-006	296-04A-055	NEW-W	98-07-058	296-08-540	REP-XR	98-08-102
292-130-040	NEW-P	98-16-006	296-04A-060	NEW-W	98-07-058	296-08-550	REP-XR	98-08-102
292-130-050	NEW-P	98-16-006	296-04A-100	NEW-W	98-07-058	296-08-560	REP-XR	98-08-102
292-130-060	NEW-P	98-16-006	296-04A-110	NEW-W	98-07-058	296-08-570	REP-XR	98-08-102
292-130-070	NEW-P	98-16-006	296-04A-120	NEW-W	98-07-058	296-08-580	REP-XR	98-08-102
292-130-080	NEW-P	98-16-006	296-04A-130	NEW-W	98-07-058	296-08-590	REP-XR	98-08-102
292-130-090	NEW-P	98-16-006	296-04A-150	NEW-W	98-07-058	296-14-010	REP	98-18-042
292-130-100	NEW-P	98-16-006	296-04A-200	NEW-W	98-07-058	296-14-010	REP-P	98-12-079
292-130-110	NEW-P	98-16-006	296-04A-210	NEW-W	98-07-058	296-14-015	REP	98-18-042
292-130-120	NEW-P	98-16-006	296-04A-230	NEW-W	98-07-058	296-14-015	REP-P	98-12-079
292-130-130	NEW-P	98-16-006	296-04A-300	NEW-W	98-07-058	296-14-900	AMD-P	98-13-125
292-130-140	NEW-P	98-16-006	296-04A-30001	NEW-W	98-07-058	296-14-910	AMD-P	98-13-125
296-04	PREP	98-09-063	296-04A-330	NEW-W	98-07-058	296-14-920	AMD-P	98-13-125
296-04-001	REP-W	98-12-074	296-04A-340	NEW-W	98-07-058	296-14-930	AMD-P	98-13-125
296-04-005	REP-W	98-12-074	296-04A-350	NEW-W	98-07-058	296-14-940	AMD-P	98-13-125
296-04-010	REP-W	98-12-074	296-04A-351	NEW-W	98-07-058	296-17	AMD	98-18-042
296-04-015	REP-W	98-12-074	296-04A-360	NEW-W	98-07-058	296-17	PREP	98-14-140
296-04-040	REP-W	98-12-074	296-04A-370	NEW-W	98-07-058	296-17	PREP	98-11-101

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-52122	AMD	98-18-042	296-17-544	AMD-P	98-12-079	296-17-573	AMD	98-18-042
296-17-52122	AMD-P	98-12-079	296-17-54401	AMD	98-18-042	296-17-573	AMD-P	98-12-079
296-17-52123	AMD	98-18-042	296-17-54401	AMD-P	98-12-079	296-17-574	AMD	98-18-042
296-17-52123	AMD-P	98-12-079	296-17-545	AMD	98-18-042	296-17-574	AMD-P	98-12-079
296-17-52124	AMD	98-18-042	296-17-545	AMD-P	98-12-079	296-17-575	AMD	98-18-042
296-17-52124	AMD-P	98-12-079	296-17-546	AMD	98-18-042	296-17-575	AMD-P	98-12-079
296-17-52125	AMD	98-18-042	296-17-546	AMD-P	98-12-079	296-17-57602	AMD	98-18-042
296-17-52125	AMD-P	98-12-079	296-17-548	AMD	98-18-042	296-17-57602	AMD-P	98-12-079
296-17-52126	AMD	98-18-042	296-17-548	AMD-P	98-12-079	296-17-57603	AMD	98-18-042
296-17-52126	AMD-P	98-12-079	296-17-549	AMD	98-18-042	296-17-57603	AMD-P	98-12-079
296-17-522	AMD	98-18-042	296-17-549	AMD-P	98-12-079	296-17-578	AMD	98-18-042
296-17-522	AMD-P	98-12-079	296-17-550	AMD	98-18-042	296-17-578	AMD-P	98-12-079
296-17-523	AMD	98-18-042	296-17-550	AMD-P	98-12-079	296-17-580	AMD	98-18-042
296-17-523	AMD-P	98-12-079	296-17-551	AMD	98-18-042	296-17-580	AMD-P	98-12-079
296-17-524	AMD	98-18-042	296-17-551	AMD-P	98-12-079	296-17-581	AMD	98-18-042
296-17-524	AMD-P	98-12-079	296-17-552	AMD	98-18-042	296-17-581	AMD-P	98-12-079
296-17-525	AMD	98-18-042	296-17-552	AMD-P	98-12-079	296-17-582	AMD	98-18-042
296-17-525	AMD-P	98-12-079	296-17-55201	AMD	98-18-042	296-17-582	AMD-P	98-12-079
296-17-526	AMD	98-18-042	296-17-55201	AMD-P	98-12-079	296-17-58201	AMD	98-18-042
296-17-526	AMD-P	98-12-079	296-17-555	AMD	98-18-042	296-17-58201	AMD-P	98-12-079
296-17-527	AMD	98-18-042	296-17-555	AMD-P	98-12-079	296-17-583	AMD	98-18-042
296-17-527	AMD-P	98-12-079	296-17-557	AMD	98-18-042	296-17-583	AMD-P	98-12-079
296-17-52701	AMD	98-18-042	296-17-557	AMD-P	98-12-079	296-17-584	AMD	98-18-042
296-17-52701	AMD-P	98-12-079	296-17-560	AMD	98-18-042	296-17-584	AMD-P	98-12-079
296-17-528	AMD	98-18-042	296-17-560	AMD-P	98-12-079	296-17-585	AMD	98-18-042
296-17-528	AMD-P	98-12-079	296-17-561	AMD	98-18-042	296-17-585	AMD-P	98-12-079
296-17-529	AMD	98-18-042	296-17-561	AMD-P	98-12-079	296-17-58501	AMD	98-18-042
296-17-529	AMD-P	98-12-079	296-17-56101	AMD	98-18-042	296-17-58501	AMD-P	98-12-079
296-17-532	AMD	98-18-042	296-17-56101	AMD-P	98-12-079	296-17-58502	AMD	98-18-042
296-17-532	AMD-P	98-12-079	296-17-562	AMD	98-18-042	296-17-58502	AMD-P	98-12-079
296-17-534	AMD	98-18-042	296-17-562	AMD-P	98-12-079	296-17-58503	AMD	98-18-042
296-17-534	AMD-P	98-12-079	296-17-563	AMD	98-18-042	296-17-58503	AMD-P	98-12-079
296-17-535	AMD	98-18-042	296-17-563	AMD-P	98-12-079	296-17-58504	AMD	98-18-042
296-17-535	AMD-P	98-12-079	296-17-564	AMD	98-18-042	296-17-58504	AMD-P	98-12-079
296-17-53501	AMD	98-18-042	296-17-564	AMD-P	98-12-079	296-17-58505	AMD	98-18-042
296-17-53501	AMD-P	98-12-079	296-17-56401	AMD	98-18-042	296-17-58505	AMD-P	98-12-079
296-17-53502	AMD	98-18-042	296-17-56401	AMD-P	98-12-079	296-17-58506	AMD	98-18-042
296-17-53502	AMD-P	98-12-079	296-17-56402	AMD	98-18-042	296-17-58506	AMD-P	98-12-079
296-17-53504	AMD	98-18-042	296-17-56402	AMD-P	98-12-079	296-17-58507	AMD	98-18-042
296-17-53504	AMD-P	98-12-079	296-17-565	AMD	98-18-042	296-17-58507	AMD-P	98-12-079
296-17-536	AMD	98-18-042	296-17-565	AMD-P	98-12-079	296-17-586	AMD	98-18-042
296-17-536	AMD-P	98-12-079	296-17-566	AMD	98-18-042	296-17-586	AMD-P	98-12-079
296-17-537	AMD	98-18-042	296-17-566	AMD-P	98-12-079	296-17-587	AMD	98-18-042
296-17-537	AMD-P	98-12-079	296-17-56601	AMD	98-18-042	296-17-587	AMD-P	98-12-079
296-17-538	AMD	98-18-042	296-17-56601	AMD-P	98-12-079	296-17-590	AMD	98-18-042
296-17-538	AMD-P	98-12-079	296-17-56602	AMD	98-18-042	296-17-590	AMD-P	98-12-079
296-17-53801	AMD	98-18-042	296-17-56602	AMD-P	98-12-079	296-17-59201	AMD	98-18-042
296-17-53801	AMD-P	98-12-079	296-17-567	AMD	98-18-042	296-17-59201	AMD-P	98-12-079
296-17-53802	AMD	98-18-042	296-17-567	AMD-P	98-12-079	296-17-59202	AMD	98-18-042
296-17-53802	AMD-P	98-12-079	296-17-568	AMD	98-18-042	296-17-59202	AMD-P	98-12-079
296-17-53803	AMD	98-18-042	296-17-568	AMD-P	98-12-079	296-17-59203	AMD	98-18-042
296-17-53803	AMD-P	98-12-079	296-17-569	AMD	98-18-042	296-17-59203	AMD-P	98-12-079
296-17-53805	AMD	98-18-042	296-17-569	AMD-P	98-12-079	296-17-59204	AMD	98-18-042
296-17-53805	AMD-P	98-12-079	296-17-56901	AMD	98-18-042	296-17-59204	AMD-P	98-12-079
296-17-53806	AMD	98-18-042	296-17-56901	AMD-P	98-12-079	296-17-59205	AMD	98-18-042
296-17-53806	AMD-P	98-12-079	296-17-570	AMD	98-18-042	296-17-59205	AMD-P	98-12-079
296-17-539	AMD	98-18-042	296-17-570	AMD-P	98-12-079	296-17-594	AMD	98-18-042
296-17-539	AMD-P	98-12-079	296-17-57001	AMD	98-18-042	296-17-594	AMD-P	98-12-079
296-17-540	AMD	98-18-042	296-17-57001	AMD-P	98-12-079	296-17-595	AMD	98-18-042
296-17-540	AMD-P	98-12-079	296-17-57002	AMD	98-18-042	296-17-595	AMD-P	98-12-079
296-17-541	AMD	98-18-042	296-17-57002	AMD-P	98-12-079	296-17-596	AMD	98-18-042
296-17-541	AMD-P	98-12-079	296-17-57003	AMD	98-18-042	296-17-596	AMD-P	98-12-079
296-17-54101	AMD	98-18-042	296-17-57003	AMD-P	98-12-079	296-17-597	AMD	98-18-042
296-17-54101	AMD-P	98-12-079	296-17-571	AMD	98-18-042	296-17-597	AMD-P	98-12-079
296-17-542	AMD	98-18-042	296-17-571	AMD-P	98-12-079	296-17-599	AMD	98-18-042
296-17-542	AMD-P	98-12-079	296-17-572	AMD	98-18-042	296-17-599	AMD-P	98-12-079
296-17-544	AMD	98-18-042	296-17-572	AMD-P	98-12-079	296-17-600	AMD	98-18-042

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-600	AMD-P	98-12-079	296-17-64901	AMD	98-18-042	296-17-677	AMD-P	98-12-079
296-17-604	AMD	98-18-042	296-17-64901	AMD-P	98-12-079	296-17-678	AMD	98-18-042
296-17-604	AMD-P	98-12-079	296-17-64902	AMD	98-18-042	296-17-678	AMD-P	98-12-079
296-17-606	AMD	98-18-042	296-17-64902	AMD-P	98-12-079	296-17-679	AMD	98-18-042
296-17-606	AMD-P	98-12-079	296-17-64903	AMD	98-18-042	296-17-679	AMD-P	98-12-079
296-17-612	AMD	98-18-042	296-17-64903	AMD-P	98-12-079	296-17-67901	AMD	98-18-042
296-17-612	AMD-P	98-12-079	296-17-64904	AMD	98-18-042	296-17-67901	AMD-P	98-12-079
296-17-614	AMD	98-18-042	296-17-64904	AMD-P	98-12-079	296-17-680	AMD	98-18-042
296-17-614	AMD-P	98-12-079	296-17-64905	AMD	98-18-042	296-17-680	AMD-P	98-12-079
296-17-615	AMD	98-18-042	296-17-64905	AMD-P	98-12-079	296-17-681	AMD	98-18-042
296-17-615	AMD-P	98-12-079	296-17-64999	AMD	98-18-042	296-17-681	AMD-P	98-12-079
296-17-616	AMD	98-18-042	296-17-64999	AMD-P	98-12-079	296-17-682	AMD	98-18-042
296-17-616	AMD-P	98-12-079	296-17-650	AMD	98-18-042	296-17-682	AMD-P	98-12-079
296-17-618	AMD	98-18-042	296-17-650	AMD-P	98-12-079	296-17-684	AMD	98-18-042
296-17-618	AMD-P	98-12-079	296-17-651	AMD	98-18-042	296-17-684	AMD-P	98-12-079
296-17-61801	AMD	98-18-042	296-17-651	AMD-P	98-12-079	296-17-685	AMD	98-18-042
296-17-61801	AMD-P	98-12-079	296-17-652	AMD	98-18-042	296-17-685	AMD-P	98-12-079
296-17-61804	AMD	98-18-042	296-17-652	AMD-P	98-12-079	296-17-686	AMD	98-18-042
296-17-61804	AMD-P	98-12-079	296-17-653	AMD	98-18-042	296-17-686	AMD-P	98-12-079
296-17-619	AMD	98-18-042	296-17-653	AMD-P	98-12-079	296-17-68601	AMD	98-18-042
296-17-619	AMD-P	98-12-079	296-17-654	AMD	98-18-042	296-17-68601	AMD-P	98-12-079
296-17-620	AMD	98-18-042	296-17-654	AMD-P	98-12-079	296-17-687	AMD	98-18-042
296-17-620	AMD-P	98-12-079	296-17-655	AMD	98-18-042	296-17-687	AMD-P	98-12-079
296-17-622	AMD	98-18-042	296-17-655	AMD-P	98-12-079	296-17-688	AMD	98-18-042
296-17-622	AMD-P	98-12-079	296-17-656	AMD	98-18-042	296-17-688	AMD-P	98-12-079
296-17-626	AMD	98-18-042	296-17-656	AMD-P	98-12-079	296-17-689	AMD	98-18-042
296-17-626	AMD-P	98-12-079	296-17-657	AMD	98-18-042	296-17-689	AMD-P	98-12-079
296-17-627	AMD	98-18-042	296-17-657	AMD-P	98-12-079	296-17-690	AMD	98-18-042
296-17-627	AMD-P	98-12-079	296-17-658	AMD	98-18-042	296-17-690	AMD-P	98-12-079
296-17-628	AMD	98-18-042	296-17-658	AMD-P	98-12-079	296-17-691	AMD	98-18-042
296-17-628	AMD-P	98-12-079	296-17-65801	AMD	98-18-042	296-17-691	AMD-P	98-12-079
296-17-629	AMD	98-18-042	296-17-65801	AMD-P	98-12-079	296-17-692	AMD	98-18-042
296-17-629	AMD-P	98-12-079	296-17-659	AMD	98-18-042	296-17-692	AMD-P	98-12-079
296-17-630	AMD	98-18-042	296-17-659	AMD-P	98-12-079	296-17-693	AMD	98-18-042
296-17-630	AMD-P	98-12-079	296-17-660	AMD	98-18-042	296-17-693	AMD-P	98-12-079
296-17-631	AMD	98-18-042	296-17-660	AMD-P	98-12-079	296-17-694	AMD	98-18-042
296-17-631	AMD-P	98-12-079	296-17-66001	AMD	98-18-042	296-17-694	AMD-P	98-12-079
296-17-633	AMD	98-18-042	296-17-66001	AMD-P	98-12-079	296-17-695	AMD	98-18-042
296-17-633	AMD-P	98-12-079	296-17-66002	AMD	98-18-042	296-17-695	AMD-P	98-12-079
296-17-634	AMD	98-18-042	296-17-66002	AMD-P	98-12-079	296-17-696	AMD	98-18-042
296-17-634	AMD-P	98-12-079	296-17-66003	AMD	98-18-042	296-17-696	AMD-P	98-12-079
296-17-635	AMD	98-18-042	296-17-66003	AMD-P	98-12-079	296-17-697	AMD	98-18-042
296-17-635	AMD-P	98-12-079	296-17-66004	AMD	98-18-042	296-17-697	AMD-P	98-12-079
296-17-63501	AMD	98-18-042	296-17-66004	AMD-P	98-12-079	296-17-698	AMD	98-18-042
296-17-63501	AMD-P	98-12-079	296-17-661	AMD	98-18-042	296-17-698	AMD-P	98-12-079
296-17-636	AMD	98-18-042	296-17-661	AMD-P	98-12-079	296-17-699	AMD	98-18-042
296-17-636	AMD-P	98-12-079	296-17-663	AMD	98-18-042	296-17-699	AMD-P	98-12-079
296-17-637	AMD	98-18-042	296-17-663	AMD-P	98-12-079	296-17-700	AMD	98-18-042
296-17-637	AMD-P	98-12-079	296-17-666	AMD	98-18-042	296-17-700	AMD-P	98-12-079
296-17-638	AMD	98-18-042	296-17-666	AMD-P	98-12-079	296-17-701	AMD	98-18-042
296-17-638	AMD-P	98-12-079	296-17-668	AMD	98-18-042	296-17-701	AMD-P	98-12-079
296-17-640	AMD	98-18-042	296-17-668	AMD-P	98-12-079	296-17-703	AMD	98-18-042
296-17-640	AMD-P	98-12-079	296-17-669	AMD	98-18-042	296-17-703	AMD-P	98-12-079
296-17-641	AMD	98-18-042	296-17-669	AMD-P	98-12-079	296-17-704	AMD	98-18-042
296-17-641	AMD-P	98-12-079	296-17-670	AMD	98-18-042	296-17-704	AMD-P	98-12-079
296-17-643	AMD	98-18-042	296-17-670	AMD-P	98-12-079	296-17-706	AMD	98-18-042
296-17-643	AMD-P	98-12-079	296-17-673	AMD	98-18-042	296-17-706	AMD-P	98-12-079
296-17-644	AMD	98-18-042	296-17-673	AMD-P	98-12-079	296-17-707	AMD	98-18-042
296-17-644	AMD-P	98-12-079	296-17-675	AMD	98-18-042	296-17-707	AMD-P	98-12-079
296-17-645	AMD	98-18-042	296-17-675	AMD-P	98-12-079	296-17-708	AMD	98-18-042
296-17-645	AMD-P	98-12-079	296-17-676	AMD	98-18-042	296-17-708	AMD-P	98-12-079
296-17-646	AMD	98-18-042	296-17-676	AMD-P	98-12-079	296-17-709	AMD	98-18-042
296-17-646	AMD-P	98-12-079	296-17-67601	AMD	98-18-042	296-17-709	AMD-P	98-12-079
296-17-647	AMD	98-18-042	296-17-67601	AMD-P	98-12-079	296-17-710	AMD	98-18-042
296-17-647	AMD-P	98-12-079	296-17-67602	AMD	98-18-042	296-17-710	AMD-P	98-12-079
296-17-649	AMD	98-18-042	296-17-67602	AMD-P	98-12-079	296-17-711	AMD	98-18-042
296-17-649	AMD-P	98-12-079	296-17-677	AMD	98-18-042	296-17-711	AMD-P	98-12-079

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-712	AMD	98-18-042	296-17-743	AMD	98-18-042	296-17-76212	AMD-P	98-12-079
296-17-712	AMD-P	98-12-079	296-17-743	AMD-P	98-12-079	296-17-763	AMD	98-18-042
296-17-713	AMD	98-18-042	296-17-744	AMD	98-18-042	296-17-763	AMD-P	98-12-079
296-17-713	AMD-P	98-12-079	296-17-744	AMD-P	98-12-079	296-17-764	AMD	98-18-042
296-17-71301	AMD	98-18-042	296-17-745	AMD	98-18-042	296-17-764	AMD-P	98-12-079
296-17-71301	AMD-P	98-12-079	296-17-745	AMD-P	98-12-079	296-17-765	AMD	98-18-042
296-17-714	AMD	98-18-042	296-17-746	AMD	98-18-042	296-17-765	AMD-P	98-12-079
296-17-714	AMD-P	98-12-079	296-17-746	AMD-P	98-12-079	296-17-766	AMD	98-18-042
296-17-715	AMD	98-18-042	296-17-747	AMD	98-18-042	296-17-766	AMD-P	98-12-079
296-17-715	AMD-P	98-12-079	296-17-747	AMD-P	98-12-079	296-17-772	AMD	98-18-042
296-17-716	AMD	98-18-042	296-17-748	AMD	98-18-042	296-17-772	AMD-P	98-12-079
296-17-716	AMD-P	98-12-079	296-17-748	AMD-P	98-12-079	296-17-773	AMD	98-18-042
296-17-717	AMD	98-18-042	296-17-749	AMD	98-18-042	296-17-773	AMD-P	98-12-079
296-17-717	AMD-P	98-12-079	296-17-749	AMD-P	98-12-079	296-17-777	AMD	98-18-042
296-17-718	AMD	98-18-042	296-17-750	AMD	98-18-042	296-17-777	AMD-P	98-12-079
296-17-718	AMD-P	98-12-079	296-17-750	AMD-P	98-12-079	296-17-778	AMD	98-18-042
296-17-719	AMD	98-18-042	296-17-751	AMD	98-18-042	296-17-778	AMD-P	98-12-079
296-17-719	AMD-P	98-12-079	296-17-751	AMD-P	98-12-079	296-17-779	AMD	98-18-042
296-17-721	REP	98-18-042	296-17-752	AMD	98-18-042	296-17-779	AMD-P	98-12-079
296-17-721	REP-P	98-12-079	296-17-752	AMD-P	98-12-079	296-17-870	AMD	98-18-042
296-17-722	AMD	98-18-042	296-17-753	AMD	98-18-042	296-17-870	AMD-P	98-12-079
296-17-722	AMD-P	98-12-079	296-17-753	AMD-P	98-12-079	296-17-895	AMD	98-18-042
296-17-72201	NEW	98-18-042	296-17-75301	AMD	98-18-042	296-17-895	AMD-P	98-12-079
296-17-72201	NEW-P	98-12-079	296-17-75301	AMD-P	98-12-079	296-20-03004	REP-XR	98-08-101
296-17-72202	NEW	98-18-042	296-17-75303	NEW	98-18-042	296-20-135	AMD-P	98-05-100
296-17-72202	NEW-P	98-12-079	296-17-75303	NEW-P	98-12-079	296-20-135	AMD	98-09-125
296-17-723	AMD	98-18-042	296-17-754	AMD	98-18-042	296-23-220	AMD	98-09-125
296-17-723	AMD-P	98-12-079	296-17-754	AMD-P	98-12-079	296-23-220	AMD-P	98-05-100
296-17-724	AMD	98-18-042	296-17-755	AMD	98-18-042	296-23-230	AMD-P	98-05-100
296-17-724	AMD-P	98-12-079	296-17-755	AMD-P	98-12-079	296-23-230	AMD	98-09-125
296-17-725	AMD	98-18-042	296-17-756	AMD	98-18-042	296-24	PREP	98-08-104
296-17-725	AMD-P	98-12-079	296-17-756	AMD-P	98-12-079	296-24	PREP	98-12-083
296-17-726	AMD	98-18-042	296-17-757	AMD	98-18-042	296-24	PREP	98-11-075
296-17-726	AMD-P	98-12-079	296-17-757	AMD-P	98-12-079	296-24-060	REP	98-06-061
296-17-727	AMD	98-18-042	296-17-758	AMD	98-18-042	296-24-061	NEW	98-06-061
296-17-727	AMD-P	98-12-079	296-17-758	AMD-P	98-12-079	296-24-06105	NEW	98-06-061
296-17-729	AMD	98-18-042	296-17-759	AMD	98-18-042	296-24-06110	NEW	98-06-061
296-17-729	AMD-P	98-12-079	296-17-759	AMD-P	98-12-079	296-24-06115	NEW	98-06-061
296-17-730	AMD	98-18-042	296-17-760	AMD	98-18-042	296-24-06120	NEW	98-06-061
296-17-730	AMD-P	98-12-079	296-17-760	AMD-P	98-12-079	296-24-06125	NEW	98-06-061
296-17-73105	AMD	98-18-042	296-17-761	AMD	98-18-042	296-24-06130	NEW	98-06-061
296-17-73105	AMD-P	98-12-079	296-17-761	AMD-P	98-12-079	296-24-06135	NEW	98-06-061
296-17-73106	AMD	98-18-042	296-17-762	AMD	98-18-042	296-24-06140	NEW	98-06-061
296-17-73106	AMD-P	98-12-079	296-17-762	AMD-P	98-12-079	296-24-06145	NEW	98-06-061
296-17-73107	AMD	98-18-042	296-17-76201	AMD	98-18-042	296-24-06150	NEW	98-06-061
296-17-73107	AMD-P	98-12-079	296-17-76201	AMD-P	98-12-079	296-24-06155	NEW	98-06-061
296-17-73108	AMD	98-18-042	296-17-76202	AMD	98-18-042	296-24-06160	NEW	98-06-061
296-17-73108	AMD-P	98-12-079	296-17-76202	AMD-P	98-12-079	296-24-065	REP	98-06-061
296-17-73109	NEW	98-18-042	296-17-76203	AMD	98-18-042	296-24-067	REP	98-06-061
296-17-73111	AMD	98-18-042	296-17-76203	AMD-P	98-12-079	296-24-070	REP	98-06-061
296-17-73111	AMD-P	98-12-079	296-17-76204	AMD	98-18-042	296-24-12501	AMD-P	98-16-100
296-17-735	AMD	98-18-042	296-17-76204	AMD-P	98-12-079	296-24-12503	AMD-P	98-16-100
296-17-735	AMD-P	98-12-079	296-17-76205	AMD	98-18-042	296-24-12504	NEW-P	98-16-100
296-17-736	AMD	98-18-042	296-17-76205	AMD-P	98-12-079	296-24-12505	AMD-P	98-16-100
296-17-736	AMD-P	98-12-079	296-17-76206	AMD	98-18-042	296-24-12507	AMD-P	98-16-100
296-17-737	AMD	98-18-042	296-17-76206	AMD-P	98-12-079	296-24-12509	AMD-P	98-16-100
296-17-737	AMD-P	98-12-079	296-17-76207	AMD	98-18-042	296-24-12511	AMD-P	98-16-100
296-17-738	AMD	98-18-042	296-17-76207	AMD-P	98-12-079	296-24-12513	AMD-P	98-16-100
296-17-738	AMD-P	98-12-079	296-17-76208	AMD	98-18-042	296-24-12515	AMD-P	98-16-100
296-17-739	AMD	98-18-042	296-17-76208	AMD-P	98-12-079	296-24-12517	AMD-P	98-16-100
296-17-739	AMD-P	98-12-079	296-17-76209	AMD	98-18-042	296-24-12519	AMD-P	98-16-100
296-17-740	AMD	98-18-042	296-17-76209	AMD-P	98-12-079	296-24-12521	AMD-P	98-16-100
296-17-740	AMD-P	98-12-079	296-17-76210	AMD	98-18-042	296-24-12523	AMD-P	98-16-100
296-17-741	AMD	98-18-042	296-17-76210	AMD-P	98-12-079	296-24-205	AMD	98-10-073
296-17-741	AMD-P	98-12-079	296-17-76211	AMD	98-18-042	296-24-20501	AMD	98-10-073
296-17-742	AMD	98-18-042	296-17-76211	AMD-P	98-12-079	296-24-20503	AMD	98-10-073
296-17-742	AMD-P	98-12-079	296-17-76212	AMD	98-18-042	296-24-20505	AMD	98-10-073

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-24-20507	AMD	98-10-073	296-44-05135	REP	98-07-009	296-44-24233	REP	98-07-009
296-24-20509	AMD	98-10-073	296-44-05141	REP	98-07-009	296-44-263	REP	98-07-009
296-24-20511	AMD	98-10-073	296-44-065	REP	98-07-009	296-44-26309	REP	98-07-009
296-24-20513	AMD	98-10-073	296-44-06505	REP	98-07-009	296-44-26321	REP	98-07-009
296-24-20515	AMD	98-10-073	296-44-06511	REP	98-07-009	296-44-26333	REP	98-07-009
296-24-20517	AMD	98-10-073	296-44-06517	REP	98-07-009	296-44-278	REP	98-07-009
296-24-20519	AMD	98-10-073	296-44-074	REP	98-07-009	296-44-27809	REP	98-07-009
296-24-20521	AMD	98-10-073	296-44-07405	REP	98-07-009	296-44-27821	REP	98-07-009
296-24-20523	AMD	98-10-073	296-44-07411	REP	98-07-009	296-44-27833	REP	98-07-009
296-24-20525	AMD	98-10-073	296-44-07417	REP	98-07-009	296-44-27847	REP	98-07-009
296-24-20527	AMD	98-10-073	296-44-07423	REP	98-07-009	296-44-29501	REP	98-07-009
296-24-20529	AMD	98-10-073	296-44-07427	REP	98-07-009	296-44-29509	REP	98-07-009
296-24-20531	AMD	98-10-073	296-44-07433	REP	98-07-009	296-44-29515	REP	98-07-009
296-24-20533	AMD	98-10-073	296-44-07439	REP	98-07-009	296-44-29523	REP	98-07-009
296-24-58503	AMD-P	98-17-078	296-44-086	REP	98-07-009	296-44-29529	REP	98-07-009
296-24-58505	AMD-P	98-17-078	296-44-08605	REP	98-07-009	296-44-29539	REP	98-07-009
296-27	PREP	98-12-081	296-44-08611	REP	98-07-009	296-44-29541	REP	98-07-009
296-27-210	NEW-P	98-18-080	296-44-08619	REP	98-07-009	296-44-29551	REP	98-07-009
296-27-21001	NEW-P	98-18-080	296-44-098	REP	98-07-009	296-44-29563	REP	98-07-009
296-27-21005	NEW-P	98-18-080	296-44-09805	REP	98-07-009	296-44-29572	REP	98-07-009
296-27-21010	NEW-P	98-18-080	296-44-09811	REP	98-07-009	296-44-317	REP	98-07-009
296-27-21015	NEW-P	98-18-080	296-44-09819	REP	98-07-009	296-44-31709	REP	98-07-009
296-27-21020	NEW-P	98-18-080	296-44-09826	REP	98-07-009	296-44-31719	REP	98-07-009
296-27-21025	NEW-P	98-18-080	296-44-110	REP	98-07-009	296-44-31729	REP	98-07-009
296-27-21030	NEW-P	98-18-080	296-44-11005	REP	98-07-009	296-44-31738	REP	98-07-009
296-27-21035	NEW-P	98-18-080	296-44-11021	REP	98-07-009	296-44-31749	REP	98-07-009
296-27-21040	NEW-P	98-18-080	296-44-11029	REP	98-07-009	296-44-31757	REP	98-07-009
296-27-21045	NEW-P	98-18-080	296-44-11035	REP	98-07-009	296-44-31765	REP	98-07-009
296-27-21050	NEW-P	98-18-080	296-44-11041	REP	98-07-009	296-44-31772	REP	98-07-009
296-30-050	REP-XR	98-08-100	296-44-125	REP	98-07-009	296-44-31783	REP	98-07-009
296-30-050	REP	98-14-076	296-44-12505	REP	98-07-009	296-44-31792	REP	98-07-009
296-31-069	PREP	98-14-141	296-44-12515	REP	98-07-009	296-44-350	REP	98-07-009
296-44-005	REP	98-07-009	296-44-134	REP	98-07-009	296-44-35009	REP	98-07-009
296-44-010	REP	98-07-009	296-44-13405	REP	98-07-009	296-44-35021	REP	98-07-009
296-44-011	REP	98-07-009	296-44-13415	REP	98-07-009	296-44-365	REP	98-07-009
296-44-013	REP	98-07-009	296-44-13421	REP	98-07-009	296-44-36518	REP	98-07-009
296-44-015	REP	98-07-009	296-44-13431	REP	98-07-009	296-44-36527	REP	98-07-009
296-44-016	REP	98-07-009	296-44-170	REP	98-07-009	296-44-36539	REP	98-07-009
296-44-017	REP	98-07-009	296-44-17005	REP	98-07-009	296-44-36551	REP	98-07-009
296-44-023	REP	98-07-009	296-44-17017	REP	98-07-009	296-44-36563	REP	98-07-009
296-44-02301	REP	98-07-009	296-44-17029	REP	98-07-009	296-44-36575	REP	98-07-009
296-44-02305	REP	98-07-009	296-44-182	REP	98-07-009	296-44-370	REP	98-07-009
296-44-02309	REP	98-07-009	296-44-18205	REP	98-07-009	296-44-386	REP	98-07-009
296-44-02315	REP	98-07-009	296-44-18225	REP	98-07-009	296-44-38609	REP	98-07-009
296-44-02319	REP	98-07-009	296-44-18239	REP	98-07-009	296-44-38628	REP	98-07-009
296-44-02323	REP	98-07-009	296-44-18250	REP	98-07-009	296-44-38641	REP	98-07-009
296-44-02329	REP	98-07-009	296-44-18261	REP	98-07-009	296-44-38653	REP	98-07-009
296-44-02335	REP	98-07-009	296-44-18273	REP	98-07-009	296-44-398	REP	98-07-009
296-44-02349	REP	98-07-009	296-44-194	REP	98-07-009	296-44-39809	REP	98-07-009
296-44-025	REP	98-07-009	296-44-19405	REP	98-07-009	296-44-39823	REP	98-07-009
296-44-035	REP	98-07-009	296-44-19421	REP	98-07-009	296-44-39842	REP	98-07-009
296-44-03505	REP	98-07-009	296-44-19433	REP	98-07-009	296-44-39855	REP	98-07-009
296-44-03509	REP	98-07-009	296-44-212	REP	98-07-009	296-44-413	REP	98-07-009
296-44-041	REP	98-07-009	296-44-21209	REP	98-07-009	296-44-41309	REP	98-07-009
296-44-04105	REP	98-07-009	296-44-21221	REP	98-07-009	296-44-41321	REP	98-07-009
296-44-04109	REP	98-07-009	296-44-21230	REP	98-07-009	296-44-41333	REP	98-07-009
296-44-04125	REP	98-07-009	296-44-21241	REP	98-07-009	296-44-41341	REP	98-07-009
296-44-04129	REP	98-07-009	296-44-21253	REP	98-07-009	296-44-41359	REP	98-07-009
296-44-04135	REP	98-07-009	296-44-21265	REP	98-07-009	296-44-425	REP	98-07-009
296-44-051	REP	98-07-009	296-44-21273	REP	98-07-009	296-44-42509	REP	98-07-009
296-44-05105	REP	98-07-009	296-44-21279	REP	98-07-009	296-44-42521	REP	98-07-009
296-44-05109	REP	98-07-009	296-44-21287	REP	98-07-009	296-44-42533	REP	98-07-009
296-44-05115	REP	98-07-009	296-44-21295	REP	98-07-009	296-44-42541	REP	98-07-009
296-44-05119	REP	98-07-009	296-44-242	REP	98-07-009	296-44-42559	REP	98-07-009
296-44-05125	REP	98-07-009	296-44-24205	REP	98-07-009	296-44-440	REP	98-07-009
296-44-05129	REP	98-07-009	296-44-24213	REP	98-07-009	296-44-44009	REP	98-07-009
296-44-05131	REP	98-07-009	296-44-24221	REP	98-07-009	296-44-44021	REP	98-07-009

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-44-44033	REP	98-07-009	296-45-215	NEW	98-07-009	296-45-65033	REP	98-07-009
296-44-44047	REP	98-07-009	296-45-225	NEW	98-07-009	296-45-65035	REP	98-07-009
296-44-452	REP	98-07-009	296-45-255	NEW	98-07-009	296-45-65037	REP	98-07-009
296-44-45209	REP	98-07-009	296-45-25505	NEW	98-07-009	296-45-65038	REP	98-07-009
296-44-45219	REP	98-07-009	296-45-25510	NEW	98-07-009	296-45-65039	REP	98-07-009
296-44-45231	REP	98-07-009	296-45-275	NEW	98-07-009	296-45-65041	REP	98-07-009
296-44-45243	REP	98-07-009	296-45-285	NEW	98-07-009	296-45-65043	REP	98-07-009
296-44-45257	REP	98-07-009	296-45-295	NEW	98-07-009	296-45-65045	REP	98-07-009
296-44-467	REP	98-07-009	296-45-305	NEW	98-07-009	296-45-65047	REP	98-07-009
296-44-46709	REP	98-07-009	296-45-315	NEW	98-07-009	296-45-660	REP	98-07-009
296-44-46733	REP	98-07-009	296-45-325	NEW	98-07-009	296-45-66001	REP	98-07-009
296-44-46739	REP	98-07-009	296-45-335	NEW	98-07-009	296-45-66003	REP	98-07-009
296-44-46747	REP	98-07-009	296-45-345	NEW	98-07-009	296-45-66005	REP	98-07-009
296-44-46755	REP	98-07-009	296-45-355	NEW	98-07-009	296-45-66007	REP	98-07-009
296-44-46761	REP	98-07-009	296-45-365	NEW	98-07-009	296-45-66009	REP	98-07-009
296-44-491	REP	98-07-009	296-45-375	NEW	98-07-009	296-45-66011	REP	98-07-009
296-44-49109	REP	98-07-009	296-45-385	NEW	98-07-009	296-45-67543	AMD-W	98-07-008
296-44-49121	REP	98-07-009	296-45-455	NEW	98-07-009	296-45-680	REP	98-07-009
296-44-850	REP	98-07-009	296-45-45505	NEW	98-07-009	296-45-690	REP	98-07-009
296-44-855	REP	98-07-009	296-45-45510	NEW	98-07-009	296-45-695	REP	98-07-009
296-44-860	REP	98-07-009	296-45-45515	NEW	98-07-009	296-45-700	REP	98-07-009
296-44-865	REP	98-07-009	296-45-45520	NEW	98-07-009	296-45-900	NEW	98-07-009
296-44-870	REP	98-07-009	296-45-45525	NEW	98-07-009	296-45-901	NEW	98-07-009
296-44-875	REP	98-07-009	296-45-45530	NEW	98-07-009	296-45-903	NEW	98-07-009
296-44-880	REP	98-07-009	296-45-465	NEW	98-07-009	296-45-905	NEW	98-07-009
296-44-88001	REP	98-07-009	296-45-475	NEW	98-07-009	296-46	PREP	98-13-123
296-44-88002	REP	98-07-009	296-45-485	NEW	98-07-009	296-46-100	NEW-P	98-07-097
296-44-88003	REP	98-07-009	296-45-48505	NEW	98-07-009	296-46-100	NEW	98-12-042
296-44-88004	REP	98-07-009	296-45-48510	NEW	98-07-009	296-46-140	AMD-P	98-07-097
296-44-88005	REP	98-07-009	296-45-48515	NEW	98-07-009	296-46-140	AMD	98-12-042
296-44-88006	REP	98-07-009	296-45-48520	NEW	98-07-009	296-46-155	NEW-P	98-07-097
296-44-88007	REP	98-07-009	296-45-48525	NEW	98-07-009	296-46-155	NEW	98-12-042
296-44-88008	REP	98-07-009	296-45-48530	NEW	98-07-009	296-46-21052	AMD-P	98-07-097
296-44-88009	REP	98-07-009	296-45-48535	NEW	98-07-009	296-46-21052	AMD	98-12-042
296-44-88010	REP	98-07-009	296-45-48540	NEW	98-07-009	296-46-225	AMD-P	98-07-097
296-44-88011	REP	98-07-009	296-45-48545	NEW	98-07-009	296-46-225	AMD	98-12-042
296-45	AMD	98-07-009	296-45-48550	NEW	98-07-009	296-46-23028	AMD-P	98-07-097
296-45-005	NEW	98-07-009	296-45-48555	NEW	98-07-009	296-46-23028	AMD	98-12-042
296-45-015	NEW	98-07-009	296-45-48560	NEW	98-07-009	296-46-30001	AMD-P	98-07-097
296-45-025	NEW	98-07-009	296-45-525	NEW	98-07-009	296-46-30001	AMD	98-12-042
296-45-035	NEW	98-07-009	296-45-52505	NEW	98-07-009	296-46-348	AMD-P	98-07-097
296-45-045	NEW	98-07-009	296-45-52510	NEW	98-07-009	296-46-348	AMD	98-12-042
296-45-055	NEW	98-07-009	296-45-52515	NEW	98-07-009	296-46-495	AMD-P	98-07-097
296-45-065	NEW	98-07-009	296-45-52520	NEW	98-07-009	296-46-495	AMD	98-12-042
296-45-075	NEW	98-07-009	296-45-52525	NEW	98-07-009	296-46-50002	NEW-P	98-07-097
296-45-085	NEW	98-07-009	296-45-52530	NEW	98-07-009	296-46-50002	NEW	98-12-042
296-45-095	NEW	98-07-009	296-45-52535	NEW	98-07-009	296-46-770	AMD-P	98-07-097
296-45-105	NEW	98-07-009	296-45-52540	NEW	98-07-009	296-46-770	AMD	98-12-042
296-45-115	NEW	98-07-009	296-45-52545	NEW	98-07-009	296-46-910	AMD-XA	98-18-101
296-45-125	NEW	98-07-009	296-45-52550	NEW	98-07-009	296-46-910	AMD-P	98-07-097
296-45-135	NEW	98-07-009	296-45-545	NEW	98-07-009	296-46-910	AMD	98-12-042
296-45-175	NEW	98-07-009	296-45-60013	REP	98-07-009	296-46-915	AMD-P	98-07-097
296-45-17505	NEW	98-07-009	296-45-650	REP	98-07-009	296-46-915	AMD	98-12-042
296-45-17510	NEW	98-07-009	296-45-65003	REP	98-07-009	296-46-920	AMD-P	98-07-097
296-45-17515	NEW	98-07-009	296-45-65005	REP	98-07-009	296-46-920	AMD	98-12-042
296-45-17520	NEW	98-07-009	296-45-65009	REP	98-07-009	296-46-930	AMD-P	98-07-097
296-45-17525	NEW	98-07-009	296-45-65011	REP	98-07-009	296-46-930	AMD	98-12-042
296-45-17530	NEW	98-07-009	296-45-65013	REP	98-07-009	296-46-940	AMD-P	98-07-097
296-45-17535	NEW	98-07-009	296-45-65015	REP	98-07-009	296-46-940	AMD	98-12-042
296-45-17540	NEW	98-07-009	296-45-65017	REP	98-07-009	296-52-489	AMD-XA	98-12-103
296-45-17545	NEW	98-07-009	296-45-65019	REP	98-07-009	296-56	PREP	98-08-104
296-45-17550	NEW	98-07-009	296-45-65021	REP	98-07-009	296-56	PREP	98-12-080
296-45-17555	NEW	98-07-009	296-45-65023	REP	98-07-009	296-56-60001	AMD-P	98-17-079
296-45-17560	NEW	98-07-009	296-45-65026	REP	98-07-009	296-56-60005	AMD-P	98-17-079
296-45-17565	NEW	98-07-009	296-45-65027	REP	98-07-009	296-56-60006	NEW-P	98-17-079
296-45-195	NEW	98-07-009	296-45-65029	REP	98-07-009	296-56-60009	AMD-P	98-17-079
296-45-205	NEW	98-07-009	296-45-65031	REP	98-07-009	296-56-60011	AMD-P	98-17-079

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-56-60057	AMD-P	98-17-079	296-86A-028	NEW	98-12-043	296-150C-0020	AMD	98-14-078
296-56-60059	REP-P	98-17-079	296-86A-030	NEW-P	98-07-094	296-150C-0310	AMD-P	98-07-095
296-56-60060	REP-P	98-17-079	296-86A-030	NEW	98-12-043	296-150C-0310	AMD	98-14-078
296-56-60062	REP-P	98-17-079	296-86A-040	NEW-P	98-07-094	296-150C-0320	AMD-P	98-07-095
296-56-60065	REP-P	98-17-079	296-86A-040	NEW	98-12-043	296-150C-0320	AMD	98-14-078
296-56-60067	REP-P	98-17-079	296-86A-060	NEW-P	98-07-094	296-150C-0410	AMD-P	98-07-095
296-56-60069	REP-P	98-17-079	296-86A-060	NEW	98-12-043	296-150C-0410	AMD	98-14-078
296-56-60073	AMD-P	98-17-079	296-86A-065	NEW-P	98-07-094	296-150C-0460	AMD-P	98-07-095
296-56-60077	AMD-P	98-17-079	296-86A-065	NEW	98-12-043	296-150C-0460	AMD	98-14-078
296-56-60079	AMD-P	98-17-079	296-86A-070	NEW-P	98-07-094	296-150C-0500	AMD-P	98-07-095
296-56-60083	AMD-P	98-17-079	296-86A-070	NEW	98-12-043	296-150C-0500	AMD	98-14-078
296-56-60085	AMD-P	98-17-079	296-86A-073	NEW-P	98-07-094	296-150C-0560	AMD-P	98-07-095
296-56-60087	AMD-P	98-17-079	296-86A-073	NEW	98-12-043	296-150C-0560	AMD	98-14-078
296-56-60093	AMD-P	98-17-079	296-86A-074	NEW-P	98-07-094	296-150C-0800	AMD-P	98-07-095
296-56-60097	AMD-P	98-17-079	296-86A-074	NEW	98-12-043	296-150C-0800	AMD	98-14-078
296-56-60098	AMD-P	98-17-079	296-86A-075	NEW-P	98-07-094	296-150C-0820	AMD-P	98-07-095
296-56-60103	AMD-P	98-17-079	296-86A-075	NEW	98-12-043	296-150C-0820	AMD	98-14-078
296-56-60113	AMD-P	98-17-079	296-86A-080	NEW-P	98-07-094	296-150C-0960	AMD-P	98-07-095
296-56-60115	AMD-P	98-17-079	296-86A-080	NEW	98-12-043	296-150C-0960	AMD	98-14-078
296-56-60123	AMD-P	98-17-079	296-87	PREP	98-13-124	296-150C-0980	REP-P	98-07-095
296-56-60211	AMD-P	98-17-079	296-89	PREP	98-13-124	296-150C-0980	REP	98-14-078
296-56-60217	AMD-P	98-17-079	296-91	PREP	98-13-124	296-150C-1080	AMD-P	98-07-095
296-62	PREP	98-08-104	296-93A	PREP	98-13-124	296-150C-1080	AMD	98-14-078
296-62	PREP	98-12-084	296-94	PREP	98-13-124	296-150C-1170	AMD-P	98-07-095
296-62	PREP	98-12-082	296-95	PREP	98-13-124	296-150C-1170	AMD	98-14-078
296-62-07477	AMD	98-10-029	296-100	PREP	98-13-124	296-150C-1303	NEW-P	98-07-095
296-62-07477	AMD-P	98-05-061	296-104	PREP	98-09-065	296-150C-1303	NEW	98-14-078
296-62-07515	AMD	98-10-029	296-104-010	AMD-P	98-16-079	296-150C-1580	AMD-P	98-07-095
296-62-07515	AMD-E	98-10-028	296-104-017	NEW-P	98-16-079	296-150C-1580	AMD	98-14-078
296-62-07515	AMD-P	98-05-061	296-104-100	AMD-P	98-16-079	296-150C-1590	AMD-P	98-07-095
296-65	PREP	98-08-104	296-104-102	AMD-P	98-16-079	296-150C-1590	AMD	98-14-078
296-78	PREP	98-08-104	296-104-180	NEW-P	98-16-079	296-150C-1600	AMD-P	98-07-095
296-81	PREP	98-02-080	296-104-200	AMD-P	98-16-079	296-150C-1600	AMD	98-14-078
296-81	PREP	98-13-124	296-104-265	AMD-P	98-16-079	296-150C-1720	AMD-P	98-07-095
296-81-007	AMD-P	98-07-094	296-104-307	NEW-P	98-16-079	296-150C-1720	AMD	98-14-078
296-81-007	AMD	98-12-043	296-104-310	AMD-P	98-16-079	296-150C-1730	AMD-P	98-07-095
296-82	PREP	98-13-124	296-104-405	AMD-P	98-16-079	296-150C-1730	AMD	98-14-078
296-84	PREP	98-13-124	296-104-502	AMD-P	98-16-079	296-150C-1740	AMD-P	98-07-095
296-85	PREP	98-13-124	296-104-510	AMD-P	98-16-079	296-150C-1740	AMD	98-14-078
296-86-010	REP-P	98-07-094	296-104-515	AMD-P	98-16-079	296-150C-1750	NEW-P	98-07-095
296-86-010	REP	98-12-043	296-104-520	AMD-P	98-16-079	296-150C-1750	NEW	98-14-078
296-86-020	REP-P	98-07-094	296-104-525	REP-P	98-16-079	296-150C-1751	NEW-P	98-07-095
296-86-020	REP	98-12-043	296-104-530	AMD-P	98-16-079	296-150C-1751	NEW	98-14-078
296-86-030	REP-P	98-07-094	296-104-535	NEW-P	98-16-079	296-150C-1752	NEW-P	98-07-095
296-86-030	REP	98-12-043	296-104-540	NEW-P	98-16-079	296-150C-1752	NEW	98-14-078
296-86-040	REP-P	98-07-094	296-104-600	REP-P	98-16-079	296-150C-1753	NEW-P	98-07-095
296-86-040	REP	98-12-043	296-104-700	AMD-P	98-04-017	296-150C-1753	NEW	98-14-078
296-86-050	REP-P	98-07-094	296-104-700	AMD	98-09-064	296-150C-1754	NEW-P	98-07-095
296-86-050	REP	98-12-043	296-104-800	REP-P	98-16-079	296-150C-1754	NEW	98-14-078
296-86-060	REP-P	98-07-094	296-104-801	REP-P	98-16-079	296-150C-1755	NEW-P	98-07-095
296-86-060	REP	98-12-043	296-104-805	REP-P	98-16-079	296-150C-1755	NEW	98-14-078
296-86-070	REP-P	98-07-094	296-124-010	REP-XR	98-07-093	296-150C-1756	NEW-P	98-07-095
296-86-070	REP	98-12-043	296-124-010	REP	98-14-042	296-150C-1756	NEW	98-14-078
296-86-075	REP-P	98-07-094	296-124-020	REP-XR	98-07-093	296-150C-1757	NEW-P	98-07-095
296-86-075	REP	98-12-043	296-124-020	REP	98-14-042	296-150C-1757	NEW	98-14-078
296-86-080	REP-P	98-07-094	296-124-021	REP-XR	98-07-093	296-150C-1758	NEW-P	98-07-095
296-86-080	REP	98-12-043	296-124-021	REP	98-14-042	296-150C-1758	NEW	98-14-078
296-86-090	REP-P	98-07-094	296-124-022	REP-XR	98-07-093	296-150C-1759	NEW-P	98-07-095
296-86-090	REP	98-12-043	296-124-022	REP	98-14-042	296-150C-1759	NEW	98-14-078
296-86A	PREP	98-13-124	296-124-040	REP-XR	98-07-093	296-150C-1760	NEW-P	98-07-095
296-86A-010	NEW-P	98-07-094	296-124-040	REP	98-14-042	296-150C-1760	NEW	98-14-078
296-86A-010	NEW	98-12-043	296-124-050	REP-XR	98-07-093	296-150C-3000	AMD-P	98-07-096
296-86A-020	NEW-P	98-07-094	296-124-050	REP	98-14-042	296-150C-3000	AMD	98-12-041
296-86A-020	NEW	98-12-043	296-125	PREP	98-02-079	296-150F-0020	AMD-P	98-07-095
296-86A-025	NEW-P	98-07-094	296-126-098	REP-XR	98-08-103	296-150F-0020	AMD	98-14-078
296-86A-025	NEW	98-12-043	296-126-098	REP	98-14-041	296-150F-0130	NEW-P	98-07-095
296-86A-028	NEW-P	98-07-094	296-150C-0020	AMD-P	98-07-095	296-150F-0130	NEW	98-14-078

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-150F-0200	AMD-P	98-07-095	296-155-48511	REP	98-05-046	296-307-08009	AMD-P	98-16-100
296-150F-0200	AMD	98-14-078	296-155-48512	REP	98-05-046	296-307-08012	AMD-P	98-16-100
296-150F-0210	AMD-P	98-07-095	296-155-48513	REP	98-05-046	296-307-08018	AMD-P	98-16-100
296-150F-0210	AMD	98-14-078	296-155-48514	REP	98-05-046	296-307-08021	AMD-P	98-16-100
296-150F-0460	AMD-P	98-07-095	296-155-48515	REP	98-05-046	296-307-085	AMD-P	98-16-100
296-150F-0460	AMD	98-14-078	296-155-48516	REP	98-05-046	296-307-09503	AMD-P	98-16-100
296-150F-0500	AMD-P	98-07-095	296-155-48517	REP	98-05-046	296-307-09506	AMD-P	98-16-100
296-150F-0500	AMD	98-14-078	296-155-48518	REP	98-05-046	296-307-09509	AMD-P	98-16-100
296-150F-3000	AMD-P	98-07-096	296-155-48519	REP	98-05-046	296-307-107	AMD-P	98-16-100
296-150F-3000	AMD	98-12-041	296-155-48523	REP	98-05-046	296-307-11005	AMD-P	98-16-100
296-150M-0020	AMD-P	98-07-095	296-155-48525	REP	98-05-046	296-307-11010	AMD-P	98-16-100
296-150M-0020	AMD	98-14-078	296-155-48527	REP	98-05-046	296-307-120	AMD-P	98-16-100
296-150M-0306	NEW-P	98-07-095	296-155-48529	REP	98-05-046	296-307-12010	AMD-P	98-16-100
296-150M-0306	NEW	98-14-078	296-155-48531	REP	98-05-046	296-307-12015	AMD-P	98-16-100
296-150M-0307	NEW-P	98-07-095	296-155-48533	REP	98-05-046	296-307-12020	AMD-P	98-16-100
296-150M-0307	NEW	98-14-078	296-155-48536	REP	98-05-046	296-307-12025	AMD-P	98-16-100
296-150M-0310	AMD-P	98-07-095	296-155-487	NEW	98-05-046	296-307-12030	AMD-P	98-16-100
296-150M-0310	AMD	98-14-078	296-155-488	NEW	98-05-046	296-307-12040	AMD-P	98-16-100
296-150M-0331	NEW-P	98-07-095	296-155-489	NEW	98-05-046	296-307-12050	AMD-P	98-16-100
296-150M-0331	NEW	98-14-078	296-155-490	NEW	98-05-046	296-307-130	AMD-P	98-16-100
296-150M-0400	AMD-P	98-07-095	296-155-493	NEW	98-05-046	296-307-13005	AMD-P	98-16-100
296-150M-0400	AMD	98-14-078	296-155-494	NEW	98-05-046	296-307-13015	AMD-P	98-16-100
296-150M-0600	AMD-P	98-07-095	296-155-496	NEW	98-05-046	296-307-13025	AMD-P	98-16-100
296-150M-0600	AMD	98-14-078	296-155-497	NEW	98-05-046	296-307-13045	AMD-P	98-16-100
296-150M-0610	AMD-P	98-07-095	296-155-498	NEW	98-05-046	296-307-15003	AMD-P	98-16-100
296-150M-0610	AMD	98-14-078	296-155-528	NEW	98-05-046	296-307-16001	AMD-P	98-16-100
296-150M-0620	AMD-P	98-07-095	296-155-605	AMD	98-05-046	296-307-16003	AMD-P	98-16-100
296-150M-0620	AMD	98-14-078	296-155-615	AMD	98-05-046	296-307-16004	NEW-P	98-16-100
296-150M-0640	AMD-P	98-07-095	296-155-683	AMD	98-05-046	296-307-16013	AMD-P	98-16-100
296-150M-0640	AMD	98-14-078	296-155-688	AMD	98-05-046	296-307-16017	AMD-P	98-16-100
296-150M-0660	AMD-P	98-07-095	296-155-689	AMD	98-05-046	296-307-18005	NEW-P	98-16-100
296-150M-0660	AMD	98-14-078	296-155-700	AMD	98-05-046	296-307-18010	NEW-P	98-16-100
296-150M-0700	REP-P	98-07-095	296-155-730	AMD	98-05-046	296-307-18015	NEW-P	98-16-100
296-150M-0700	REP	98-14-078	296-200A-900	AMD-P	98-07-096	296-307-18020	NEW-P	98-16-100
296-150M-0710	REP-P	98-07-095	296-200A-900	AMD	98-12-041	296-307-18025	NEW-P	98-16-100
296-150M-0710	REP	98-14-078	296-301-020	AMD	98-10-073	296-307-18503	AMD-P	98-16-100
296-150M-0720	REP	98-18-036	296-305	PREP	98-11-075	296-307-18506	AMD-P	98-16-100
296-150M-0720	REP-XP	98-14-077	296-305-01003	AMD-P	98-17-078	296-307-18509	AMD-P	98-16-100
296-150M-0730	REP-P	98-07-095	296-305-01005	AMD-P	98-17-078	296-307-18512	AMD-P	98-16-100
296-150M-0730	REP	98-14-078	296-305-01509	AMD-P	98-17-078	296-307-18515	AMD-P	98-16-100
296-150M-3000	AMD-P	98-07-096	296-305-02001	AMD-P	98-17-078	296-307-190	AMD-P	98-16-100
296-150P-3000	AMD	98-12-041	296-305-02003	AMD-P	98-17-078	296-307-19006	AMD-P	98-16-100
296-150P-3000	AMD-P	98-07-096	296-305-02007	AMD-P	98-17-078	296-307-19009	AMD-P	98-16-100
296-150P-3000	AMD	98-12-041	296-305-02013	AMD-P	98-17-078	296-307-19012	AMD-P	98-16-100
296-150R-3000	AMD-P	98-07-096	296-305-02015	AMD-P	98-17-078	296-307-20505	AMD-P	98-16-100
296-150R-3000	AMD	98-12-041	296-305-04001	AMD-P	98-17-078	296-307-22012	AMD-P	98-16-100
296-155	PREP	98-08-104	296-305-04501	AMD-P	98-17-078	296-307-22509	AMD-P	98-16-100
296-155-229	DECOD	98-16-067	296-305-04503	AMD-P	98-17-078	296-307-230	AMD-P	98-16-100
296-155-229	NEW-P	98-05-073	296-305-05001	AMD-P	98-17-078	296-307-232	AMD-P	98-16-100
296-155-229	NEW	98-13-069	296-305-05007	AMD-P	98-17-078	296-307-24003	AMD-P	98-16-100
296-155-24525	AMD	98-05-046	296-305-05009	AMD-P	98-17-078	296-307-25012	AMD-P	98-16-100
296-155-329	RECOD	98-16-067	296-305-06005	AMD-P	98-17-078	296-307-25015	AMD-P	98-16-100
296-155-330	AMD-P	98-05-073	296-305-06007	AMD-P	98-17-078	296-307-26003	AMD-P	98-16-100
296-155-330	AMD	98-13-069	296-307	PREP	98-10-035	296-307-26030	AMD-P	98-16-100
296-155-481	AMD	98-05-046	296-307	PREP	98-04-094	296-307-26033	AMD-P	98-16-100
296-155-482	NEW	98-05-046	296-307-003	AMD-P	98-16-100	296-307-27010	AMD-P	98-16-100
296-155-483	AMD	98-05-046	296-307-006	AMD-P	98-16-100	296-307-28002	AMD-P	98-16-100
296-155-484	NEW	98-05-046	296-307-009	AMD-P	98-16-100	296-307-28006	AMD-P	98-16-100
296-155-485	AMD	98-05-046	296-307-015	AMD-P	98-16-100	296-307-28008	REP-P	98-16-100
296-155-48503	REP	98-05-046	296-307-018	AMD-P	98-16-100	296-307-28010	REP-P	98-16-100
296-155-48504	REP	98-05-046	296-307-024	AMD-P	98-16-100	296-307-28012	REP-P	98-16-100
296-155-48505	REP	98-05-046	296-307-030	AMD-P	98-16-100	296-307-28014	AMD-P	98-16-100
296-155-48506	REP	98-05-046	296-307-05507	AMD-P	98-16-100	296-307-28016	AMD-P	98-16-100
296-155-48507	REP	98-05-046	296-307-061	AMD-P	98-16-100	296-307-28018	AMD-P	98-16-100
296-155-48508	REP	98-05-046	296-307-07013	AMD-P	98-16-100	296-307-28020	AMD-P	98-16-100
296-155-48509	REP	98-05-046	296-307-076	AMD-P	98-16-100	296-307-28022	AMD-P	98-16-100
296-155-48510	REP	98-05-046	296-307-08003	AMD-P	98-16-100	296-307-28024	AMD-P	98-16-100

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-307-28030	AMD-P	98-16-100	296-307-42023	AMD-P	98-16-100	296-400A-031	AMD-P	98-09-124
296-307-28040	AMD-P	98-16-100	296-307-42501	AMD-P	98-16-100	296-400A-031	AMD	98-13-126
296-307-28042	AMD-P	98-16-100	296-307-42503	AMD-P	98-16-100	296-400A-035	AMD-P	98-09-124
296-307-28048	AMD-P	98-16-100	296-307-42519	AMD-P	98-16-100	296-400A-035	AMD	98-13-126
296-307-28052	AMD-P	98-16-100	296-307-42521	AMD-P	98-16-100	296-400A-045	AMD-P	98-09-124
296-307-28060	AMD-P	98-16-100	296-307-42523	AMD-P	98-16-100	296-400A-045	AMD-P	98-07-096
296-307-29005	AMD-P	98-16-100	296-307-43001	AMD-P	98-16-100	296-400A-045	AMD	98-12-041
296-307-30003	AMD-P	98-16-100	296-307-43501	AMD-P	98-16-100	296-400A-045	AMD	98-13-126
296-307-30009	AMD-P	98-16-100	296-307-43503	AMD-P	98-16-100	296-400A-070	AMD-P	98-09-124
296-307-30018	AMD-P	98-16-100	296-307-43509	AMD-P	98-16-100	296-400A-070	AMD	98-13-126
296-307-32001	AMD-P	98-16-100	296-307-43511	AMD-P	98-16-100	296-400A-110	AMD-P	98-09-124
296-307-32003	AMD-P	98-16-100	296-307-43515	AMD-P	98-16-100	296-400A-110	AMD	98-13-126
296-307-32009	AMD-P	98-16-100	296-307-44001	AMD-P	98-16-100	296-400A-120	AMD-P	98-09-124
296-307-32017	AMD-P	98-16-100	296-307-44007	AMD-P	98-16-100	296-400A-120	AMD	98-13-126
296-307-32035	AMD-P	98-16-100	296-307-45001	AMD-P	98-16-100	296-400A-140	AMD-P	98-09-124
296-307-32039	AMD-P	98-16-100	296-307-45003	AMD-P	98-16-100	296-400A-140	AMD	98-13-126
296-307-34003	AMD-P	98-16-100	296-307-45009	AMD-P	98-16-100	296-400A-300	AMD-P	98-09-124
296-307-34006	AMD-P	98-16-100	296-307-45017	AMD-P	98-16-100	296-400A-300	AMD	98-13-126
296-307-34503	AMD-P	98-16-100	296-307-45021	AMD-P	98-16-100	296-401-020	REP-P	98-07-097
296-307-35003	AMD-P	98-16-100	296-307-45023	AMD-P	98-16-100	296-401-020	REP	98-12-042
296-307-35012	AMD-P	98-16-100	296-307-45027	AMD-P	98-16-100	296-401-030	REP-P	98-07-097
296-307-35015	AMD-P	98-16-100	296-307-48023	AMD-P	98-16-100	296-401-030	REP	98-12-042
296-307-35018	AMD-P	98-16-100	296-307-48027	AMD-P	98-16-100	296-401-060	REP-P	98-07-097
296-307-36005	AMD-P	98-16-100	296-307-48029	AMD-P	98-16-100	296-401-060	REP	98-12-042
296-307-36230	AMD-P	98-16-100	296-307-48031	AMD-P	98-16-100	296-401-075	REP-P	98-07-097
296-307-36636	AMD-P	98-16-100	296-307-48033	AMD-P	98-16-100	296-401-075	REP	98-12-042
296-307-36803	AMD-P	98-16-100	296-307-48501	AMD-P	98-16-100	296-401-080	REP-P	98-07-097
296-307-37203	AMD-P	98-16-100	296-307-48505	AMD-P	98-16-100	296-401-080	REP	98-12-042
296-307-37209	AMD-P	98-16-100	296-307-49005	AMD-P	98-16-100	296-401-085	REP-P	98-07-097
296-307-37603	AMD-P	98-16-100	296-307-49007	AMD-P	98-16-100	296-401-085	REP	98-12-042
296-307-37606	AMD-P	98-16-100	296-307-49009	AMD-P	98-16-100	296-401-087	REP-P	98-07-097
296-307-37612	AMD-P	98-16-100	296-307-49011	AMD-P	98-16-100	296-401-087	REP	98-12-042
296-307-37615	AMD-P	98-16-100	296-307-49013	AMD-P	98-16-100	296-401-090	REP-P	98-07-097
296-307-37801	AMD-P	98-16-100	296-307-49501	AMD-P	98-16-100	296-401-090	REP	98-12-042
296-307-37803	AMD-P	98-16-100	296-307-49503	AMD-P	98-16-100	296-401-100	REP-P	98-07-097
296-307-37807	AMD-P	98-16-100	296-307-50005	AMD-P	98-16-100	296-401-100	REP	98-12-042
296-307-37809	AMD-P	98-16-100	296-307-50009	AMD-P	98-16-100	296-401-110	REP-P	98-07-097
296-307-37825	AMD-P	98-16-100	296-307-50011	AMD-P	98-16-100	296-401-110	REP	98-12-042
296-307-38006	AMD-P	98-16-100	296-307-50013	AMD-P	98-16-100	296-401-120	REP-P	98-07-097
296-307-38012	AMD-P	98-16-100	296-307-50019	AMD-P	98-16-100	296-401-120	REP	98-12-042
296-307-38015	AMD-P	98-16-100	296-307-50021	AMD-P	98-16-100	296-401-150	REP-P	98-07-097
296-307-40001	AMD-P	98-16-100	296-307-50023	AMD-P	98-16-100	296-401-150	REP	98-12-042
296-307-40005	AMD-P	98-16-100	296-307-50027	AMD-P	98-16-100	296-401-160	REP-P	98-07-097
296-307-40007	AMD-P	98-16-100	296-307-52001	AMD-P	98-16-100	296-401-160	REP	98-12-042
296-307-40009	AMD-P	98-16-100	296-307-52003	AMD-P	98-16-100	296-401-163	REP-P	98-07-097
296-307-40013	AMD-P	98-16-100	296-307-52005	AMD-P	98-16-100	296-401-163	REP	98-12-042
296-307-40015	AMD-P	98-16-100	296-307-52009	AMD-P	98-16-100	296-401-165	REP-P	98-07-097
296-307-40021	AMD-P	98-16-100	296-307-52011	AMD-P	98-16-100	296-401-165	REP	98-12-042
296-307-40023	AMD-P	98-16-100	296-307-52013	AMD-P	98-16-100	296-401-168	REP-P	98-07-097
296-307-40025	AMD-P	98-16-100	296-307-52015	AMD-P	98-16-100	296-401-168	REP	98-12-042
296-307-40033	AMD-P	98-16-100	296-307-52017	AMD-P	98-16-100	296-401-170	REP-P	98-07-097
296-307-40039	AMD-P	98-16-100	296-307-52047	AMD-P	98-16-100	296-401-170	REP	98-12-042
296-307-41001	AMD-P	98-16-100	296-307-53001	AMD-P	98-16-100	296-401-175	REP-P	98-07-097
296-307-41017	AMD-P	98-16-100	296-307-53005	AMD-P	98-16-100	296-401-175	REP	98-12-042
296-307-41025	AMD-P	98-16-100	296-400A	PREP	98-06-043	296-401-180	REP-P	98-07-097
296-307-41027	AMD-P	98-16-100	296-400A-005	AMD-P	98-09-124	296-401-180	REP	98-12-042
296-307-41031	AMD-P	98-16-100	296-400A-005	AMD	98-13-126	296-401A	PREP	98-13-123
296-307-41039	AMD-P	98-16-100	296-400A-021	NEW-P	98-09-124	296-401A-100	NEW-P	98-07-097
296-307-41041	AMD-P	98-16-100	296-400A-021	NEW	98-13-126	296-401A-100	NEW	98-12-042
296-307-41047	AMD-P	98-16-100	296-400A-025	NEW-P	98-09-124	296-401A-105	NEW-P	98-07-097
296-307-41049	AMD-P	98-16-100	296-400A-025	NEW	98-13-126	296-401A-105	NEW	98-12-042
296-307-41501	AMD-P	98-16-100	296-400A-026	NEW-P	98-09-124	296-401A-110	NEW-P	98-07-097
296-307-41507	AMD-P	98-16-100	296-400A-026	NEW	98-13-126	296-401A-110	NEW	98-12-042
296-307-41513	AMD-P	98-16-100	296-400A-027	NEW-P	98-09-124	296-401A-120	NEW-P	98-07-097
296-307-42001	AMD-P	98-16-100	296-400A-027	NEW	98-13-126	296-401A-120	NEW	98-12-042
296-307-42007	AMD-P	98-16-100	296-400A-030	AMD-P	98-09-124	296-401A-130	NEW-P	98-07-097
296-307-42013	AMD-P	98-16-100	296-400A-030	AMD	98-13-126	296-401A-130	NEW	98-12-042

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-401A-140	NEW-P	98-07-097	296-401A-935	NEW	98-12-042	308-56A-022	AMD	98-12-099
296-401A-140	NEW	98-12-042	308-04-010	PREP	98-17-071	308-56A-023	PREP	98-03-024
296-401A-150	NEW-P	98-07-097	308-04-010	AMD-W	98-07-018	308-56A-023	AMD-P	98-08-049
296-401A-150	NEW	98-12-042	308-04-010	PREP	98-03-023	308-56A-023	AMD	98-12-099
296-401A-160	NEW-P	98-07-097	308-04-010	AMD-P	98-06-080	308-56A-025	PREP	98-14-080
296-401A-160	NEW	98-12-042	308-04-020	PREP	98-17-071	308-56A-030	PREP	98-03-024
296-401A-200	NEW-P	98-07-097	308-04-020	AMD-W	98-07-018	308-56A-035	PREP	98-14-080
296-401A-200	NEW	98-12-042	308-04-020	PREP	98-03-023	308-56A-040	PREP	98-14-080
296-401A-210	NEW-P	98-07-097	308-04-020	AMD-P	98-06-080	308-56A-050	PREP	98-14-080
296-401A-210	NEW	98-12-042	308-11-010	REP	98-16-061	308-56A-055	PREP	98-14-080
296-401A-220	NEW-P	98-07-097	308-11-010	REP-P	98-13-027	308-56A-060	PREP	98-14-080
296-401A-220	NEW	98-12-042	308-11-030	AMD	98-16-061	308-56A-080	REP-P	98-08-049
296-401A-230	NEW-P	98-07-097	308-11-030	AMD-P	98-13-027	308-56A-080	REP	98-12-099
296-401A-230	NEW	98-12-042	308-11-035	AMD	98-16-061	308-56A-085	REP-P	98-08-049
296-401A-300	NEW-P	98-07-097	308-11-035	AMD-P	98-13-027	308-56A-085	PREP	98-03-024
296-401A-300	NEW	98-12-042	308-11-050	AMD	98-16-061	308-56A-085	REP	98-12-099
296-401A-310	NEW-P	98-07-097	308-11-050	AMD-P	98-13-027	308-56A-090	AMD-P	98-08-049
296-401A-310	NEW	98-12-042	308-11-120	AMD	98-16-061	308-56A-090	PREP	98-03-024
296-401A-320	NEW-P	98-07-097	308-11-120	AMD-P	98-13-027	308-56A-090	AMD	98-12-099
296-401A-320	NEW	98-12-042	308-11-130	AMD	98-16-061	308-56A-100	PREP	98-14-080
296-401A-400	NEW-P	98-07-097	308-11-130	AMD-P	98-13-027	308-56A-105	PREP	98-14-080
296-401A-400	NEW	98-12-042	308-12-025	PREP	98-06-047	308-56A-110	PREP	98-14-080
296-401A-410	NEW-P	98-07-097	308-12-025	AMD-P	98-14-043	308-56A-125	PREP	98-14-080
296-401A-410	NEW	98-12-042	308-12-115	AMD-P	98-14-043	308-56A-130	PREP	98-14-080
296-401A-420	NEW-P	98-07-097	308-12-326	AMD-P	98-09-057	308-56A-135	PREP	98-14-080
296-401A-420	NEW	98-12-042	308-12-326	PREP	98-05-012	308-56A-335	PREP	98-16-071
296-401A-430	NEW-P	98-07-097	308-12-326	AMD	98-12-064	308-56A-340	PREP	98-16-071
296-401A-430	NEW	98-12-042	308-14-200	AMD	98-16-060	308-56A-345	PREP	98-16-071
296-401A-500	NEW-P	98-07-097	308-14-200	AMD-P	98-13-026	308-56A-350	PREP	98-16-071
296-401A-500	NEW	98-12-042	308-33-011	AMD	98-18-053	308-56A-355	PREP	98-16-071
296-401A-510	NEW-P	98-07-097	308-33-011	AMD-P	98-13-028	308-56A-360	PREP	98-16-071
296-401A-510	NEW	98-12-042	308-33-020	REP	98-18-053	308-56A-365	PREP	98-16-071
296-401A-520	NEW-P	98-07-097	308-33-020	REP-P	98-13-028	308-56A-420	PREP	98-18-002
296-401A-520	NEW	98-12-042	308-33-030	AMD	98-18-053	308-66	PREP	98-10-071
296-401A-524	NEW-P	98-07-097	308-33-030	AMD-P	98-13-028	308-66-110	AMD-P	98-16-007
296-401A-524	NEW	98-12-042	308-33-060	AMD	98-18-053	308-66-120	AMD-P	98-16-007
296-401A-530	NEW-P	98-07-097	308-33-060	AMD-P	98-13-028	308-66-140	AMD-P	98-16-007
296-401A-530	NEW	98-12-042	308-33-071	AMD	98-18-053	308-66-145	AMD-P	98-16-007
296-401A-540	NEW-P	98-07-097	308-33-071	AMD-P	98-13-028	308-66-152	AMD-P	98-16-007
296-401A-540	NEW	98-12-042	308-33-080	REP	98-18-053	308-66-155	AMD-P	98-16-007
296-401A-545	NEW-P	98-07-097	308-33-080	REP-P	98-13-028	308-66-156	REP-P	98-16-007
296-401A-545	NEW	98-12-042	308-33-090	AMD	98-18-053	308-66-157	AMD-P	98-16-007
296-401A-550	NEW-P	98-07-097	308-33-090	AMD-P	98-13-028	308-66-160	AMD-P	98-16-007
296-401A-550	NEW	98-12-042	308-33-095	AMD	98-18-053	308-66-170	AMD-P	98-16-007
296-401A-600	NEW-P	98-07-097	308-33-095	AMD-P	98-13-028	308-66-190	PREP	98-18-002
296-401A-600	NEW	98-12-042	308-33-105	AMD	98-18-053	308-66-190	AMD-P	98-16-007
296-401A-610	NEW-P	98-07-097	308-33-105	AMD-P	98-13-028	308-66-195	AMD-P	98-16-007
296-401A-610	NEW	98-12-042	308-48-185	AMD-P	98-17-035	308-66-196	REP-P	98-16-007
296-401A-620	NEW-P	98-07-097	308-48-790	REP-P	98-17-035	308-66-205	REP-P	98-16-007
296-401A-620	NEW	98-12-042	308-48-800	AMD-P	98-17-035	308-66-210	AMD-P	98-16-007
296-401A-630	NEW-P	98-07-097	308-56A-005	PREP	98-03-024	308-66-211	AMD-P	98-16-007
296-401A-630	NEW	98-12-042	308-56A-005	REP-P	98-08-049	308-66-212	AMD-P	98-16-007
296-401A-700	NEW-P	98-07-097	308-56A-005	REP	98-12-099	308-66-214	AMD-P	98-16-007
296-401A-700	NEW	98-12-042	308-56A-010	PREP	98-03-024	308-66-227	AMD-P	98-16-007
296-401A-800	NEW-P	98-07-097	308-56A-010	AMD-P	98-08-049	308-66-240	AMD-P	98-16-007
296-401A-800	NEW	98-12-042	308-56A-010	AMD	98-12-099	308-72	PREP	98-13-003
296-401A-810	NEW-P	98-07-097	308-56A-015	AMD-P	98-08-049	308-72-501	NEW-P	98-18-059
296-401A-810	NEW	98-12-042	308-56A-015	PREP	98-03-024	308-72-502	REP-P	98-18-059
296-401A-900	NEW-P	98-07-097	308-56A-015	AMD	98-12-099	308-72-503	NEW-P	98-18-059
296-401A-900	NEW	98-12-042	308-56A-020	AMD-P	98-08-049	308-72-504	REP-P	98-18-059
296-401A-910	NEW-P	98-07-097	308-56A-020	PREP	98-03-024	308-72-505	NEW-P	98-18-059
296-401A-910	NEW	98-12-042	308-56A-020	AMD	98-12-099	308-72-508	REP-P	98-18-059
296-401A-920	NEW-P	98-07-097	308-56A-021	PREP	98-03-024	308-72-509	AMD-P	98-18-059
296-401A-920	NEW	98-12-042	308-56A-021	AMD-P	98-08-049	308-72-512	AMD-P	98-18-059
296-401A-930	NEW-P	98-07-097	308-56A-021	AMD	98-12-099	308-72-520	REP-P	98-18-059
296-401A-930	NEW	98-12-042	308-56A-022	AMD-P	98-08-049	308-72-530	REP-P	98-18-059
296-401A-935	NEW-P	98-07-097	308-56A-022	PREP	98-03-024	308-72-540	AMD-P	98-18-059

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-72-542	AMD-P	98-18-059	308-93-071	AMD	98-16-030	308-93-300	REP-P	98-13-044
308-72-550	AMD-P	98-18-059	308-93-073	PREP	98-03-026	308-93-330	PREP	98-03-026
308-72-555	NEW-P	98-18-059	308-93-073	AMD	98-16-030	308-93-330	REP	98-16-030
308-72-557	NEW-P	98-18-059	308-93-073	AMD-P	98-13-044	308-93-330	REP-P	98-13-044
308-72-560	AMD-P	98-18-059	308-93-074	PREP	98-03-026	308-93-350	PREP	98-03-026
308-72-570	AMD-P	98-18-059	308-93-074	REP	98-16-030	308-93-350	AMD	98-16-030
308-72-600	REP-P	98-18-059	308-93-074	REP-P	98-13-044	308-93-350	AMD-P	98-13-044
308-72-610	AMD-P	98-18-059	308-93-075	PREP	98-03-026	308-93-360	PREP	98-03-026
308-72-615	NEW-P	98-18-059	308-93-075	REP	98-16-030	308-93-360	AMD-P	98-13-044
308-72-620	AMD-P	98-18-059	308-93-075	REP-P	98-13-044	308-93-360	AMD	98-16-030
308-72-630	AMD-P	98-18-059	308-93-078	PREP	98-03-026	308-93-410	PREP	98-18-083
308-72-640	AMD-P	98-18-059	308-93-078	AMD	98-16-030	308-93-420	PREP	98-03-026
308-72-650	AMD-P	98-18-059	308-93-078	AMD-P	98-13-044	308-93-420	REP-P	98-13-044
308-72-660	AMD-P	98-18-059	308-93-079	PREP	98-03-026	308-93-420	REP	98-16-030
308-72-670	AMD-P	98-18-059	308-93-080	PREP	98-03-026	308-93-430	REP	98-09-023
308-77	PREP	98-13-003	308-93-080	REP	98-16-030	308-93-430	REP-P	98-05-068
308-77-010	AMD-P	98-18-059	308-93-080	REP-P	98-13-044	308-93-440	AMD-P	98-05-068
308-77-020	AMD-P	98-18-059	308-93-085	PREP	98-03-026	308-93-440	AMD	98-09-023
308-77-032	REP-P	98-18-059	308-93-085	REP	98-16-030	308-93-450	AMD-P	98-05-068
308-77-034	REP-P	98-18-059	308-93-085	REP-P	98-13-044	308-93-450	AMD	98-09-023
308-77-040	AMD-P	98-18-059	308-93-087	PREP	98-14-082	308-93-460	AMD-P	98-05-068
308-77-042	REP-P	98-18-059	308-93-088	PREP	98-14-082	308-93-460	AMD	98-09-023
308-77-044	REP-P	98-18-059	308-93-110	REP-P	98-16-075	308-93-470	AMD	98-09-023
308-77-050	AMD-P	98-18-059	308-93-110	PREP	98-03-027	308-93-470	AMD-P	98-05-068
308-77-060	REP-P	98-18-059	308-93-120	REP-P	98-16-075	308-93-480	REP	98-09-023
308-77-070	REP-P	98-18-059	308-93-120	PREP	98-03-027	308-93-480	REP-P	98-05-068
308-77-091	NEW-P	98-18-059	308-93-180	REP-P	98-16-075	308-93-520	PREP	98-16-072
308-77-095	AMD-P	98-18-059	308-93-180	PREP	98-03-027	308-93-530	PREP	98-16-072
308-77-100	REP-P	98-18-059	308-93-190	REP-P	98-16-075	308-93-540	PREP	98-16-072
308-77-105	NEW-P	98-18-059	308-93-190	PREP	98-03-027	308-93-550	PREP	98-16-072
308-77-110	AMD-P	98-18-059	308-93-200	AMD-P	98-16-075	308-93-560	PREP	98-16-072
308-77-115	NEW-P	98-18-059	308-93-200	PREP	98-03-027	308-93-570	PREP	98-16-072
308-77-120	REP-P	98-18-059	308-93-210	REP-P	98-16-075	308-93-580	PREP	98-16-072
308-77-125	REP-P	98-18-059	308-93-210	PREP	98-03-027	308-93-590	PREP	98-16-072
308-77-130	REP-P	98-18-059	308-93-215	REP-P	98-16-075	308-93-600	PREP	98-16-072
308-77-150	AMD-P	98-18-059	308-93-215	PREP	98-03-027	308-93-620	PREP	98-03-026
308-77-160	AMD-P	98-18-059	308-93-220	AMD-P	98-16-075	308-93-620	AMD	98-16-030
308-77-165	AMD-P	98-18-059	308-93-220	PREP	98-03-027	308-93-620	AMD-P	98-13-044
308-77-190	AMD-P	98-18-059	308-93-230	AMD-P	98-16-075	308-93-630	PREP	98-03-026
308-77-220	AMD-P	98-18-059	308-93-230	PREP	98-03-027	308-93-630	REP-P	98-13-044
308-77-225	NEW-P	98-18-059	308-93-241	PREP	98-03-025	308-93-630	REP	98-16-030
308-77-230	AMD-P	98-18-059	308-93-241	AMD	98-16-001	308-93-640	AMD-E	98-09-001
308-77-250	AMD-P	98-18-059	308-93-241	AMD-P	98-12-072	308-93-640	PREP	98-03-026
308-77-260	AMD-P	98-18-059	308-93-242	PREP	98-03-025	308-93-640	AMD-P	98-13-044
308-93	PREP	98-18-083	308-93-242	AMD	98-16-001	308-93-640	AMD	98-16-029
308-93-010	AMD-E	98-09-001	308-93-242	AMD-P	98-12-072	308-93-660	PREP	98-14-082
308-93-010	AMD	98-16-029	308-93-243	PREP	98-03-025	308-93-670	PREP	98-14-082
308-93-010	AMD-P	98-13-044	308-93-243	AMD-P	98-12-072	308-94-030	AMD	98-08-070
308-93-050	AMD-E	98-09-001	308-93-243	AMD	98-16-001	308-94-030	AMD-P	98-04-072
308-93-050	AMD-P	98-13-044	308-93-244	PREP	98-03-025	308-94-040	REP	98-08-070
308-93-050	AMD	98-16-029	308-93-244	AMD-P	98-12-072	308-94-040	REP-P	98-04-072
308-93-055	NEW-E	98-09-001	308-93-244	AMD	98-16-001	308-94-050	AMD	98-08-070
308-93-055	NEW	98-16-029	308-93-245	PREP	98-03-025	308-94-050	AMD-P	98-04-072
308-93-055	NEW-P	98-13-044	308-93-245	AMD-P	98-12-072	308-94-070	REP-P	98-04-072
308-93-056	NEW-E	98-09-001	308-93-245	AMD	98-16-001	308-94-070	REP	98-08-070
308-93-056	NEW-P	98-13-044	308-93-250	PREP	98-18-083	308-94-080	AMD-P	98-04-072
308-93-056	NEW	98-16-029	308-93-270	PREP	98-18-083	308-94-080	AMD	98-08-070
308-93-060	PREP	98-03-026	308-93-280	PREP	98-18-083	308-94-090	REP-P	98-04-072
308-93-060	AMD-P	98-13-044	308-93-285	PREP	98-03-026	308-94-090	REP	98-08-070
308-93-060	AMD	98-16-030	308-93-285	AMD	98-16-030	308-94-100	AMD	98-08-070
308-93-069	NEW	98-16-030	308-93-285	AMD-P	98-13-044	308-94-100	AMD-P	98-04-072
308-93-069	NEW-P	98-13-044	308-93-290	REP-P	98-16-075	308-94-110	REP-P	98-04-072
308-93-070	PREP	98-03-026	308-93-290	PREP	98-03-027	308-94-110	REP	98-08-070
308-93-070	AMD-P	98-13-044	308-93-295	AMD-P	98-16-075	308-96A	PREP	98-16-010
308-93-070	AMD	98-16-030	308-93-295	PREP	98-03-027	308-96A-005	PREP	98-03-021
308-93-071	PREP	98-03-026	308-93-300	PREP	98-03-026	308-96A-010	PREP	98-03-021
308-93-071	AMD-P	98-13-044	308-93-300	REP	98-16-030	308-96A-010	REP-P	98-14-012

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-96A-015	PREP	98-03-021	308-96A-295	AMD-P	98-14-012	308-124F-020	PREP	98-13-071
308-96A-015	AMD-P	98-14-012	308-96A-300	PREP	98-03-021	308-124F-030	PREP	98-13-071
308-96A-021	PREP	98-03-021	308-96A-300	AMD-P	98-14-012	308-125-120	AMD-P	98-12-066
308-96A-021	AMD-P	98-14-012	308-96A-306	PREP	98-09-038	308-125-120	AMD-W	98-16-004
308-96A-025	PREP	98-03-021	308-96A-306	AMD-E	98-15-013	308-125-200	AMD	98-17-083
308-96A-025	REP-P	98-14-012	308-96A-306	AMD-P	98-15-014	308-125-200	AMD-E	98-10-064
308-96A-026	PREP	98-03-021	308-96A-310	PREP	98-09-038	308-125-200	AMD-P	98-12-065
308-96A-026	AMD-P	98-14-012	308-96A-310	REP-P	98-15-014	308-170-040	REP-XR	98-07-020
308-96A-035	PREP	98-03-021	308-96A-310	REP-E	98-15-013	308-170-040	REP	98-13-045
308-96A-035	REP-P	98-14-012	308-96A-311	NEW-P	98-15-014	308-170-050	REP-XR	98-07-020
308-96A-040	PREP	98-03-021	308-96A-311	NEW-E	98-15-013	308-170-050	REP	98-13-045
308-96A-040	REP-P	98-14-012	308-96A-312	NEW-P	98-15-014	308-300-310	REP	98-03-055
308-96A-065	AMD	98-09-024	308-96A-312	NEW-E	98-15-013	308-312-010	NEW	98-03-055
308-96A-065	AMD-P	98-04-071	308-96A-313	NEW-P	98-15-014	308-312-020	NEW	98-03-055
308-96A-066	AMD	98-09-024	308-96A-313	NEW-E	98-15-013	308-312-030	NEW	98-03-055
308-96A-066	AMD-P	98-04-071	308-96A-314	NEW-P	98-15-014	308-312-040	NEW	98-03-055
308-96A-067	NEW	98-09-024	308-96A-314	NEW-E	98-15-013	308-312-050	NEW	98-03-055
308-96A-067	NEW-P	98-04-071	308-96A-315	PREP	98-09-038	308-312-060	NEW	98-03-055
308-96A-068	NEW-P	98-04-071	308-96A-315	REP-P	98-15-014	308-312-080	NEW	98-03-055
308-96A-068	NEW	98-09-024	308-96A-315	REP-E	98-15-013	308-312-090	NEW-W	98-03-054
308-96A-070	AMD-P	98-04-071	308-96A-316	NEW-E	98-15-013	308-312-100	NEW	98-03-055
308-96A-070	AMD	98-09-024	308-96A-316	NEW-P	98-15-014	308-420-240	AMD	98-18-082
308-96A-071	AMD-P	98-04-071	308-96A-320	PREP	98-09-038	308-420-240	AMD-P	98-13-070
308-96A-071	AMD	98-09-024	308-96A-320	REP-E	98-15-013	314-12-005	NEW-P	98-09-060
308-96A-073	AMD-P	98-04-071	308-96A-320	REP-P	98-15-014	314-12-005	NEW	98-14-004
308-96A-073	AMD	98-09-024	308-96A-325	PREP	98-09-038	314-12-025	AMD	98-18-097
308-96A-074	AMD	98-09-024	308-96A-325	REP-E	98-15-013	314-12-025	AMD-XA	98-12-090
308-96A-074	AMD-P	98-04-071	308-96A-325	REP-P	98-15-014	314-12-130	AMD	98-18-097
308-96A-080	PREP	98-03-022	308-96A-330	PREP	98-09-038	314-12-130	AMD-XA	98-12-090
308-96A-080	AMD-P	98-12-073	308-96A-330	REP-E	98-15-013	314-12-135	AMD	98-18-097
308-96A-080	AMD	98-16-002	308-96A-330	REP-P	98-15-014	314-12-135	AMD-XA	98-12-090
308-96A-085	PREP	98-03-022	308-96A-335	PREP	98-09-038	314-12-140	AMD	98-18-097
308-96A-085	AMD-P	98-12-073	308-96A-335	REP-E	98-15-013	314-12-140	AMD-XA	98-12-090
308-96A-085	AMD	98-16-002	308-96A-335	REP-P	98-15-014	314-12-141	AMD	98-18-097
308-96A-090	PREP	98-03-022	308-96A-340	AMD-P	98-04-014	314-12-141	AMD-XA	98-12-090
308-96A-090	AMD	98-16-002	308-96A-340	AMD-W	98-13-043	314-12-145	AMD	98-18-097
308-96A-090	AMD-P	98-12-073	308-96A-340	REP-E	98-15-013	314-12-145	AMD-XA	98-12-090
308-96A-095	PREP	98-03-022	308-96A-340	REP-P	98-15-014	314-12-170	AMD-P	98-18-096
308-96A-095	AMD	98-16-002	308-96A-341	NEW-P	98-04-014	314-12-170	PREP	98-12-088
308-96A-095	AMD-P	98-12-073	308-96A-341	NEW-W	98-13-043	314-12-200	NEW-P	98-05-103
308-96A-097	PREP	98-03-022	308-97-010	REP-P	98-18-024	314-12-200	NEW	98-15-068
308-96A-097	AMD	98-16-002	308-97-010	PREP	98-14-081	314-12-300	NEW-P	98-18-096
308-96A-097	AMD-P	98-12-073	308-97-060	REP-P	98-18-024	314-12-310	NEW-P	98-18-096
308-96A-100	PREP	98-16-074	308-97-060	PREP	98-14-081	314-12-320	NEW-P	98-18-096
308-96A-105	PREP	98-16-074	308-97-090	REP-P	98-18-024	314-12-330	NEW-P	98-18-096
308-96A-106	PREP	98-16-074	308-97-090	PREP	98-14-081	314-12-340	NEW-P	98-18-096
308-96A-110	PREP	98-16-074	308-97-125	AMD-P	98-18-024	314-14-160	AMD-P	98-18-095
308-96A-120	PREP	98-16-074	308-97-125	PREP	98-14-081	314-14-160	PREP	98-12-089
308-96A-135	PREP	98-16-074	308-97-175	REP-P	98-18-024	314-14-165	NEW-P	98-18-095
308-96A-136	PREP	98-16-074	308-97-175	PREP	98-14-081	314-14-170	NEW-P	98-18-095
308-96A-145	PREP	98-16-074	308-97-205	REP-P	98-18-024	314-15-010	AMD	98-18-097
308-96A-150	PREP	98-16-010	308-97-205	PREP	98-14-081	314-15-010	AMD-XA	98-12-090
308-96A-175	AMD-P	98-04-071	308-97-230	AMD-P	98-18-024	314-15-020	AMD	98-18-097
308-96A-175	AMD	98-09-024	308-97-230	PREP	98-14-081	314-15-020	AMD-XA	98-12-090
308-96A-176	AMD-P	98-04-071	308-124	PREP	98-13-071	314-15-030	AMD	98-18-097
308-96A-176	AMD	98-09-024	308-124-001	PREP	98-13-071	314-15-030	AMD-XA	98-12-090
308-96A-180	PREP	98-03-021	308-124-005	PREP	98-13-071	314-15-040	AMD	98-18-097
308-96A-180	AMD-P	98-14-012	308-124-007	PREP	98-13-071	314-15-040	AMD-XA	98-12-090
308-96A-201	PREP	98-16-010	308-124-021	PREP	98-13-071	314-15-050	AMD	98-18-097
308-96A-205	PREP	98-16-073	308-124A-010	PREP	98-13-071	314-15-050	AMD-XA	98-12-090
308-96A-206	PREP	98-16-073	308-124A-200	PREP	98-13-071	314-16-020	AMD	98-18-097
308-96A-207	PREP	98-16-010	308-124A-460	PREP	98-13-071	314-16-020	AMD-XA	98-12-090
308-96A-208	PREP	98-16-010	308-124B-120	PREP	98-13-071	314-16-025	AMD	98-18-097
308-96A-220	PREP	98-16-073	308-124B-140	PREP	98-13-071	314-16-025	AMD-XA	98-12-090
308-96A-260	PREP	98-03-021	308-124B-150	PREP	98-13-071	314-16-040	AMD	98-18-097
308-96A-260	AMD-P	98-14-012	308-124C-010	PREP	98-13-071	314-16-040	AMD-XA	98-12-090
308-96A-295	PREP	98-03-021	308-124F-010	PREP	98-13-071	314-16-050	AMD	98-18-097

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314-16-050	AMD-XA	98-12-090	314-20-100	AMD	98-18-097	314-52-005	AMD-XA	98-12-090
314-16-070	AMD	98-18-097	314-20-100	AMD-XA	98-12-090	314-52-010	AMD	98-18-097
314-16-070	AMD-XA	98-12-090	314-20-105	AMD	98-18-097	314-52-010	AMD-XA	98-12-090
314-16-075	AMD	98-18-097	314-20-105	AMD-XA	98-12-090	314-52-040	AMD	98-18-097
314-16-075	AMD-XA	98-12-090	314-22-010	REP	98-18-097	314-52-040	AMD-XA	98-12-090
314-16-090	AMD	98-18-097	314-22-010	REP-XA	98-12-090	314-52-070	AMD	98-18-097
314-16-090	AMD-XA	98-12-090	314-24	AMD	98-18-097	314-52-070	AMD-XA	98-12-090
314-16-110	AMD	98-18-097	314-24	AMD-XA	98-12-090	314-52-080	AMD	98-18-097
314-16-110	AMD-XA	98-12-090	314-24-006	AMD	98-18-097	314-52-080	AMD-XA	98-12-090
314-16-115	AMD	98-18-097	314-24-006	AMD-XA	98-12-090	314-52-085	AMD	98-18-097
314-16-115	AMD-XA	98-12-090	314-24-040	AMD	98-18-097	314-52-085	AMD-XA	98-12-090
314-16-150	AMD	98-18-097	314-24-040	AMD-XA	98-12-090	314-52-090	AMD	98-18-097
314-16-150	AMD-XA	98-12-090	314-24-080	AMD	98-18-097	314-52-090	AMD-XA	98-12-090
314-16-160	AMD	98-18-097	314-24-080	AMD-XA	98-12-090	314-52-110	AMD	98-18-097
314-16-160	AMD-XA	98-12-090	314-24-095	AMD	98-18-097	314-52-110	AMD-XA	98-12-090
314-16-190	AMD	98-18-097	314-24-095	AMD-XA	98-12-090	314-52-113	AMD	98-18-097
314-16-190	AMD-XA	98-12-090	314-24-105	AMD	98-18-097	314-52-113	AMD-XA	98-12-090
314-16-195	AMD	98-18-097	314-24-105	AMD-XA	98-12-090	314-52-115	AMD	98-18-097
314-16-195	AMD-XA	98-12-090	314-24-110	AMD	98-18-097	314-52-115	AMD-XA	98-12-090
314-16-196	AMD	98-18-097	314-24-110	AMD-XA	98-12-090	314-60-040	AMD-P	98-09-061
314-16-196	AMD-XA	98-12-090	314-24-120	AMD	98-18-097	314-60-040	AMD	98-14-003
314-16-197	AMD	98-18-097	314-24-120	AMD-XA	98-12-090	314-64-08001	NEW-P	98-02-069
314-16-197	AMD-XA	98-12-090	314-24-130	AMD	98-18-097	314-64-08001	NEW	98-08-041
314-16-199	AMD	98-18-097	314-24-130	AMD-XA	98-12-090	314-70-010	AMD	98-18-097
314-16-199	AMD-XA	98-12-090	314-24-140	AMD	98-18-097	314-70-010	AMD-XA	98-12-090
314-16-200	AMD	98-18-097	314-24-140	AMD-XA	98-12-090	314-70-020	AMD	98-18-097
314-16-200	AMD-XA	98-12-090	314-24-150	AMD	98-18-097	314-70-020	AMD-XA	98-12-090
314-16-205	AMD	98-18-097	314-24-150	AMD-XA	98-12-090	314-70-030	AMD	98-18-097
314-16-205	AMD-XA	98-12-090	314-24-160	AMD	98-18-097	314-70-030	AMD-XA	98-12-090
314-16-210	AMD	98-18-097	314-24-160	AMD-XA	98-12-090	314-70-040	AMD	98-18-097
314-16-210	AMD-XA	98-12-090	314-24-170	AMD	98-18-097	314-70-040	AMD-XA	98-12-090
314-16-220	REP	98-18-097	314-24-170	AMD-XA	98-12-090	315-02-030	AMD-P	98-04-073
314-16-220	REP-XA	98-12-090	314-24-180	AMD	98-18-097	315-02-030	AMD	98-08-067
314-16-230	AMD	98-18-097	314-24-180	AMD-XA	98-12-090	315-02-040	AMD-P	98-04-073
314-16-230	AMD-XA	98-12-090	314-24-190	AMD	98-18-097	315-02-040	AMD	98-08-067
314-16-240	AMD	98-18-097	314-24-190	AMD-XA	98-12-090	315-02-060	AMD-P	98-04-073
314-16-240	AMD-XA	98-12-090	314-24-200	AMD	98-18-097	315-02-060	AMD	98-08-067
314-16-250	AMD	98-18-097	314-24-200	AMD-XA	98-12-090	315-02-070	AMD-P	98-04-073
314-16-250	AMD-XA	98-12-090	314-24-210	AMD	98-18-097	315-02-070	AMD	98-08-067
314-16-260	NEW-P	98-14-134	314-24-210	AMD-XA	98-12-090	315-02-080	AMD	98-08-067
314-16-265	NEW-P	98-14-134	314-24-220	AMD	98-18-097	315-02-080	AMD-P	98-04-073
314-18-030	AMD	98-18-097	314-24-220	AMD-XA	98-12-090	315-02-170	REP	98-08-067
314-18-030	AMD-XA	98-12-090	314-24-230	AMD	98-18-097	315-02-170	REP-P	98-04-073
314-18-040	AMD	98-18-097	314-24-230	AMD-XA	98-12-090	315-02-180	REP	98-08-067
314-18-040	AMD-XA	98-12-090	314-24-250	AMD	98-18-097	315-02-180	REP-P	98-04-073
314-18-060	AMD	98-18-097	314-24-250	AMD-XA	98-12-090	315-02-220	AMD-P	98-04-073
314-18-060	AMD-XA	98-12-090	314-25-010	AMD	98-18-097	315-02-220	AMD	98-08-067
314-20-005	AMD	98-18-097	314-25-010	AMD-XA	98-12-090	315-04	PREP	98-12-033
314-20-005	AMD-XA	98-12-090	314-25-020	AMD	98-18-097	315-04-090	AMD-P	98-16-078
314-20-010	AMD	98-18-097	314-25-020	AMD-XA	98-12-090	315-04-095	NEW-P	98-16-078
314-20-010	AMD-XA	98-12-090	314-25-030	AMD	98-18-097	315-04-105	NEW-P	98-16-078
314-20-015	AMD	98-18-097	314-25-030	AMD-XA	98-12-090	315-04-130	AMD-P	98-16-078
314-20-015	AMD-XA	98-12-090	314-25-040	AMD	98-18-097	315-04-180	AMD-P	98-08-065
314-20-020	AMD	98-18-097	314-25-040	AMD-XA	98-12-090	315-04-180	AMD	98-11-091
314-20-020	AMD-XA	98-12-090	314-26-010	AMD	98-18-097	315-04-200	PREP	98-15-038
314-20-030	AMD	98-18-097	314-26-010	AMD-XA	98-12-090	315-06-123	PREP	98-03-074
314-20-030	AMD-XA	98-12-090	314-27-010	AMD	98-18-097	315-06-123	AMD-P	98-09-103
314-20-050	AMD	98-18-097	314-27-010	AMD-XA	98-12-090	315-06-123	AMD	98-15-114
314-20-050	AMD-XA	98-12-090	314-30-010	AMD	98-18-097	315-10	PREP	98-07-089
314-20-060	AMD	98-18-097	314-30-010	AMD-XA	98-12-090	315-10	PREP	98-08-066
314-20-060	AMD-XA	98-12-090	314-37-010	AMD	98-18-097	315-10-010	AMD	98-08-067
314-20-070	AMD	98-18-097	314-37-010	AMD-XA	98-12-090	315-10-010	AMD-P	98-04-073
314-20-070	AMD-XA	98-12-090	314-44-005	AMD	98-18-097	315-10-020	AMD-P	98-04-073
314-20-080	AMD	98-18-097	314-44-005	AMD-XA	98-12-090	315-10-020	AMD	98-08-067
314-20-080	AMD-XA	98-12-090	314-45-010	AMD	98-18-097	315-10-023	NEW-P	98-04-073
314-20-090	AMD	98-18-097	314-45-010	AMD-XA	98-12-090	315-10-023	NEW	98-08-067
314-20-090	AMD-XA	98-12-090	314-52-005	AMD	98-18-097	315-10-024	NEW	98-08-067

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
315-10-024	NEW-P	98-04-073	315-30-080	AMD-P	98-16-078	317-01-020	REP	98-03-073
315-10-025	AMD	98-08-067	315-30-090	REP-P	98-16-078	317-01-030	REP	98-03-073
315-10-025	AMD-P	98-04-073	315-33A-060	PREP	98-09-102	317-02-010	REP	98-03-073
315-10-030	AMD	98-08-067	315-34-055	AMD	98-08-063	317-02-020	REP	98-03-073
315-10-030	AMD-P	98-04-073	315-34-055	AMD-P	98-05-070	317-02-030	REP	98-03-073
315-11A	PREP	98-08-066	315-34-060	PREP	98-09-102	317-02-040	REP	98-03-073
315-11A-137	REP-XR	98-07-090	315-36-010	NEW-P	98-04-073	317-02-050	REP	98-03-073
315-11A-137	REP	98-13-018	315-36-010	NEW-C	98-08-064	317-02-060	REP	98-03-073
315-11A-138	REP-XR	98-07-090	315-36-010	NEW	98-15-115	317-02-070	REP	98-03-073
315-11A-138	REP	98-13-018	315-36-010	NEW-S	98-12-093	317-02-080	REP	98-03-073
315-11A-139	REP-XR	98-07-090	315-36-020	NEW-C	98-08-064	317-02-090	REP	98-03-073
315-11A-139	REP	98-13-018	315-36-020	NEW-P	98-04-073	317-02-100	REP	98-03-073
315-11A-140	REP-XR	98-07-090	315-36-020	NEW	98-15-115	317-02-110	REP	98-03-073
315-11A-140	REP	98-13-018	315-36-020	NEW-S	98-12-093	317-02-120	REP	98-03-073
315-11A-141	REP-XR	98-07-090	315-36-030	NEW-P	98-04-073	317-03-010	REP	98-03-073
315-11A-141	REP	98-13-018	315-36-030	NEW-C	98-08-064	317-03-020	REP	98-03-073
315-11A-142	REP-XR	98-07-090	315-36-030	NEW-S	98-12-093	326-02-034	AMD	98-13-075
315-11A-142	REP	98-13-018	315-36-030	NEW	98-15-115	326-07-100	AMD	98-13-007
315-11A-143	REP-XR	98-07-090	315-36-040	NEW-C	98-08-064	326-30-041	AMD-P	98-17-082
315-11A-143	REP	98-13-018	315-36-040	NEW-P	98-04-073	326-30-041	PREP	98-11-093
315-11A-144	REP-XR	98-07-090	315-36-040	NEW-S	98-12-093	332-24-205	AMD	98-11-047
315-11A-144	REP	98-13-018	315-36-040	NEW	98-15-115	332-24-221	AMD-P	98-09-046
315-11A-145	REP-XR	98-07-090	315-36-050	NEW-P	98-04-073	332-24-221	AMD	98-13-068
315-11A-145	REP	98-13-018	315-36-050	NEW-C	98-08-064	332-26-010	NEW-E	98-17-027
315-11A-146	REP-XR	98-07-090	315-36-050	NEW-S	98-12-093	352-32	PREP	98-16-069
315-11A-146	REP	98-13-018	315-36-050	NEW	98-15-115	352-32	PREP	98-16-034
315-11A-147	REP-XR	98-07-090	315-36-060	NEW-P	98-04-073	352-32-010	AMD	98-04-065
315-11A-147	REP	98-13-018	315-36-060	NEW-C	98-08-064	352-32-01001	NEW	98-04-065
315-11A-148	REP-XR	98-07-090	315-36-060	NEW	98-15-115	352-32-030	AMD	98-04-065
315-11A-148	REP	98-13-018	315-36-060	NEW-S	98-12-093	352-32-037	AMD	98-04-065
315-11A-149	REP-XR	98-07-090	315-36-070	NEW-C	98-08-064	352-32-045	AMD	98-04-065
315-11A-149	REP	98-13-018	315-36-070	NEW-P	98-04-073	352-32-047	AMD	98-04-065
315-11A-150	REP-XR	98-07-090	315-36-070	NEW-S	98-12-093	352-32-075	AMD	98-04-065
315-11A-150	REP	98-13-018	315-36-070	NEW	98-15-115	352-32-080	AMD	98-04-065
315-11A-151	REP-XR	98-07-090	315-36-080	NEW-C	98-08-064	352-32-085	AMD	98-04-065
315-11A-151	REP	98-13-018	315-36-080	NEW-P	98-04-073	352-32-120	AMD	98-04-065
315-11A-152	REP-XR	98-07-090	315-36-080	NEW	98-15-115	352-32-130	AMD	98-04-065
315-11A-152	REP	98-13-018	315-36-080	NEW-S	98-12-093	352-32-140	AMD	98-04-065
315-11A-153	REP-XR	98-07-090	315-36-090	NEW-C	98-08-064	352-32-150	AMD	98-04-065
315-11A-153	REP	98-13-018	315-36-090	NEW-P	98-04-073	352-32-165	AMD	98-04-065
315-11A-154	REP-XR	98-07-090	315-36-090	NEW	98-15-115	352-32-170	AMD	98-04-065
315-11A-154	REP	98-13-018	315-36-090	NEW-S	98-12-093	352-32-195	AMD	98-04-065
315-11A-155	REP-XR	98-07-090	315-36-100	NEW-P	98-04-073	352-32-200	AMD	98-04-065
315-11A-155	REP	98-13-018	315-36-100	NEW-C	98-08-064	352-32-210	AMD	98-04-065
315-11A-156	REP-XR	98-07-090	315-36-100	NEW-S	98-12-093	352-32-215	NEW	98-04-065
315-11A-157	REP-XR	98-07-090	315-36-100	NEW	98-15-115	352-32-25001	AMD	98-04-065
315-11A-157	REP	98-13-018	315-36-110	NEW-P	98-04-073	352-32-25002	AMD	98-04-065
315-11A-158	REP-XR	98-07-090	315-36-110	NEW-C	98-08-064	352-32-251	AMD	98-04-065
315-11A-158	REP	98-13-018	315-36-110	NEW	98-15-115	352-32-252	AMD	98-04-065
315-11A-159	REP-XR	98-07-090	315-36-120	NEW-S	98-12-093	352-32-300	AMD	98-04-065
315-11A-159	REP	98-13-018	315-36-120	NEW-P	98-04-073	352-32-330	AMD	98-04-065
315-11A-160	REP-XR	98-07-090	315-36-120	NEW-C	98-08-064	352-37	PREP	98-16-068
315-11A-160	REP	98-13-018	315-36-120	NEW	98-15-115	352-60-020	AMD-P	98-03-086
315-11A-161	REP-XR	98-07-090	315-36-120	NEW-S	98-12-093	352-60-020	AMD	98-07-022
315-11A-161	REP	98-13-018	315-36-130	NEW-P	98-04-073	352-60-140	NEW-P	98-03-086
315-11A-162	REP-XR	98-07-090	315-36-130	NEW-C	98-08-064	352-60-140	NEW	98-07-022
315-11A-162	REP	98-13-018	315-36-130	NEW-S	98-12-093	352-64	PREP	98-16-035
315-11A-163	REP-XR	98-07-090	315-36-130	NEW	98-15-115	352-65	PREP	98-16-033
315-11A-163	REP	98-13-018	315-36-140	NEW-P	98-04-073	352-76	AMD-P	98-03-090
315-11A-164	REP-XR	98-07-090	315-36-140	NEW-C	98-08-064	352-76	AMD	98-07-021
315-11A-164	REP	98-13-018	315-36-140	NEW	98-15-115	352-76-010	AMD-P	98-03-090
315-11A-164	REP	98-13-018	315-36-140	NEW-S	98-12-093	352-76-010	AMD	98-07-021
315-11A-207	AMD	98-03-075	315-36-140	NEW-P	98-04-073	352-76-020	AMD-P	98-03-090
315-11A-215	NEW	98-03-075	315-36-150	NEW-C	98-08-064	352-76-020	AMD	98-07-021
315-11A-216	NEW	98-03-075	315-36-150	NEW-S	98-12-093	352-76-030	AMD-P	98-03-090
315-11A-217	NEW	98-03-075	315-36-150	NEW	98-15-115	352-76-030	AMD	98-07-021
315-30	PREP	98-07-089	315-36-150	NEW	98-15-115	352-76-040	AMD	98-07-021
315-30	PREP	98-12-033	317-01-010	REP	98-03-073			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
352-76-040	AMD-P	98-03-090	356-30-260	AMD-E	98-13-055	381-20-090	AMD-W	98-11-071
352-76-050	AMD-P	98-03-090	356-30-260	AMD-P	98-15-035	381-20-090	AMD-XA	98-11-072
352-76-050	AMD	98-07-021	356-30-320	AMD-P	98-15-035	381-20-100	AMD-XA	98-09-047
352-76-060	AMD	98-07-021	356-34-090	AMD-P	98-15-035	381-20-100	AMD-W	98-11-071
352-76-060	AMD-P	98-03-090	356-34-100	AMD-P	98-15-035	381-20-100	AMD-XA	98-11-072
352-76-070	AMD	98-07-021	356-34-260	AMD-P	98-15-035	381-30-050	AMD	98-09-045
352-76-070	AMD-P	98-03-090	356-37-010	AMD-P	98-15-035	381-40-030	AMD	98-09-045
352-76-075	NEW	98-07-021	356-37-020	AMD-P	98-15-035	381-40-040	AMD	98-09-045
352-76-075	NEW-P	98-03-090	356-37-030	AMD-P	98-15-035	381-40-060	AMD	98-09-045
352-76-080	AMD-P	98-03-090	356-37-040	AMD-P	98-15-035	381-40-080	AMD	98-09-045
352-76-080	AMD	98-07-021	356-37-070	AMD-P	98-15-035	381-40-140	AMD	98-09-045
356-05-055	AMD-P	98-15-035	356-37-080	AMD-P	98-15-035	381-60-090	AMD	98-09-045
356-05-178	NEW-P	98-15-035	356-37-130	AMD-P	98-15-035	381-60-160	AMD	98-09-045
356-05-198	NEW-P	98-15-035	356-37-140	AMD-P	98-15-035	381-60-180	AMD	98-09-045
356-05-210	AMD-P	98-15-035	356-37-150	AMD-P	98-15-035	381-70-030	AMD	98-09-045
356-05-358	NEW-P	98-15-035	356-37-160	AMD-P	98-15-035	381-70-410	AMD	98-09-045
356-05-375	AMD-P	98-15-035	356-39-020	AMD-P	98-15-035	381-80-050	AMD	98-09-045
356-05-390	AMD	98-06-012	356-39-060	AMD-P	98-15-035	388-11-205	PREP	98-03-078
356-05-390	AMD-P	98-15-035	356-39-080	AMD-P	98-15-035	388-14-045	PREP	98-12-106
356-05-477	AMD-P	98-15-035	356-42-010	AMD-P	98-15-035	388-14-200	AMD-E	98-04-027
356-06-003	AMD-P	98-15-035	356-42-020	AMD-P	98-15-035	388-14-200	AMD-S	98-06-067
356-06-020	AMD-P	98-15-035	356-42-055	AMD-P	98-15-035	388-14-200	AMD	98-10-042
356-06-040	AMD-P	98-15-035	356-42-080	AMD-P	98-15-035	388-14-201	NEW-E	98-04-027
356-06-050	AMD-P	98-15-035	356-42-082	AMD-P	98-15-035	388-14-201	NEW	98-10-042
356-06-060	REP-P	98-15-035	356-42-083	AMD-P	98-15-035	388-14-201	NEW-S	98-06-067
356-06-070	REP-P	98-15-035	356-42-084	AMD-P	98-15-035	388-14-202	NEW-E	98-04-027
356-06-080	AMD-P	98-15-035	356-42-085	AMD-P	98-15-035	388-14-202	NEW-S	98-06-067
356-06-090	REP-P	98-15-035	356-42-086	AMD-P	98-15-035	388-14-202	NEW	98-10-042
356-06-100	AMD-P	98-15-035	356-42-088	AMD-P	98-15-035	388-14-270	AMD-S	98-06-067
356-06-110	AMD-P	98-15-035	356-42-089	AMD-P	98-15-035	388-14-270	AMD-E	98-04-027
356-06-120	NEW	98-08-024	356-42-100	AMD-P	98-15-035	388-14-270	AMD	98-10-042
356-06-120	NEW-C	98-06-014	356-42-105	AMD-P	98-15-035	388-14-385	AMD	98-17-033
356-06-120	AMD-P	98-15-035	356-46-030	AMD-P	98-15-035	388-14-385	AMD-P	98-05-078
356-07-030	AMD-P	98-15-035	356-46-060	AMD-P	98-15-035	388-14-386	NEW	98-17-033
356-07-040	AMD-P	98-15-035	356-46-125	AMD-P	98-15-035	388-14-386	NEW-P	98-05-078
356-09-040	AMD-P	98-15-035	356-49-010	AMD-P	98-15-035	388-14-387	NEW	98-17-033
356-10-020	AMD-P	98-15-035	356-49-020	AMD-P	98-15-035	388-14-387	NEW-P	98-05-078
356-10-045	AMD-P	98-15-035	356-49-030	AMD-P	98-15-035	388-14-388	NEW	98-17-033
356-10-050	AMD-P	98-15-035	356-49-040	AMD-P	98-15-035	388-14-388	NEW-P	98-05-078
356-10-060	AMD-P	98-15-035	356-56-010	AMD-P	98-15-035	388-14-490	PREP	98-16-090
356-14-010	AMD-P	98-15-035	356-56-035	AMD-P	98-15-035	388-14-500	AMD	98-17-032
356-14-015	REP-P	98-15-035	363-116-082	PREP	98-10-092	388-14-500	AMD-P	98-05-079
356-14-021	REP-P	98-15-035	363-116-185	AMD-P	98-10-093	388-14-510	NEW	98-17-031
356-14-026	AMD-P	98-15-035	363-116-185	AMD-E	98-16-028	388-14-510	NEW-P	98-13-081
356-14-031	AMD-P	98-15-035	363-116-300	AMD-P	98-08-071	388-14-520	NEW	98-17-031
356-14-035	REP-P	98-15-035	363-116-300	AMD	98-12-008	388-14-520	NEW-P	98-13-081
356-14-045	AMD-P	98-15-035	365-04	PREP	98-15-118	388-14-530	NEW	98-17-031
356-14-070	AMD-P	98-15-035	365-06-010	REP	98-05-027	388-14-530	NEW-P	98-13-081
356-15-020	AMD-P	98-15-035	365-06-020	REP	98-05-027	388-14-540	NEW	98-17-031
356-15-060	AMD-P	98-06-062	365-08-010	PREP	98-15-119	388-14-540	NEW-P	98-13-081
356-15-060	AMD	98-09-066	365-60-010	REP	98-05-027	388-14-550	NEW	98-17-031
356-15-060	AMD	98-03-052	365-60-020	REP	98-05-027	388-14-550	NEW-P	98-13-081
356-15-125	AMD-P	98-15-035	365-110	PREP	98-09-096	388-14-560	NEW	98-17-031
356-15-130	AMD-P	98-15-035	365-110-010	AMD-P	98-14-069	388-14-560	NEW-P	98-13-081
356-18-050	AMD-P	98-15-035	365-110-035	AMD-P	98-14-069	388-14-570	NEW	98-17-031
356-18-075	NEW-E	98-13-056	372-32-010	REP-XR	98-08-060	388-14-570	NEW-P	98-13-081
356-18-075	NEW-P	98-10-121	372-32-010	REP	98-13-050	388-15	PREP	98-16-022
356-18-075	NEW	98-13-057	381-10-120	AMD-XA	98-09-047	388-15-030	REP-P	98-03-082
356-22-180	AMD-P	98-15-035	381-10-120	AMD-W	98-11-071	388-15-030	REP	98-07-041
356-22-220	AMD-P	98-15-035	381-10-120	AMD-XA	98-11-072	388-15-170	AMD-E	98-14-035
356-22-230	AMD-P	98-15-035	381-10-170	AMD-XA	98-09-047	388-15-170	AMD-P	98-14-034
356-26-030	AMD-P	98-15-035	381-10-170	AMD-XA	98-11-072	388-15-171	NEW-E	98-14-035
356-26-040	AMD-P	98-15-035	381-10-170	AMD-W	98-11-071	388-15-171	NEW-P	98-14-034
356-26-110	AMD-P	98-10-122	381-20-050	AMD-XA	98-09-047	388-15-174	NEW-E	98-14-035
356-26-110	AMD-C	98-13-059	381-20-050	AMD-W	98-11-071	388-15-174	NEW-P	98-14-034
356-26-110	AMD-C	98-15-082	381-20-050	AMD-XA	98-11-072	388-15-175	NEW-E	98-14-035
356-30-143	AMD-P	98-15-035	381-20-090	AMD-XA	98-09-047	388-15-175	NEW-P	98-14-034

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-15-176	NEW-E	98-14-035	388-15-880	AMD	98-04-026	388-49-280	REP-P	98-11-084
388-15-176	NEW-P	98-14-034	388-15-880	PREP	98-11-031	388-49-280	REP	98-16-044
388-15-177	NEW-E	98-18-077	388-15-890	AMD-E	98-17-030	388-49-290	REP	98-16-044
388-15-177	PREP	98-13-079	388-15-890	AMD	98-04-026	388-49-290	REP-P	98-11-084
388-15-194	AMD-P	98-16-092	388-15-890	AMD-E	98-09-042	388-49-300	REP	98-16-044
388-15-194	PREP	98-07-051	388-15-890	PREP	98-11-032	388-49-300	REP-P	98-11-084
388-15-196	AMD	98-18-037	388-15-890	AMD-P	98-15-138	388-49-310	REP-P	98-11-084
388-15-196	AMD-P	98-14-062	388-15-890	PREP	98-11-031	388-49-310	REP	98-16-044
388-15-19600	NEW	98-18-037	388-15-895	AMD-E	98-17-030	388-49-320	REP-P	98-11-084
388-15-19600	NEW-P	98-14-062	388-15-895	NEW	98-04-026	388-49-320	REP	98-16-044
388-15-19610	NEW	98-18-037	388-15-895	AMD-E	98-09-042	388-49-330	REP	98-16-044
388-15-19610	NEW-P	98-14-062	388-15-895	AMD-P	98-15-138	388-49-330	REP-P	98-11-084
388-15-19620	NEW	98-18-037	388-15-895	PREP	98-11-032	388-49-340	REP	98-16-044
388-15-19620	NEW-P	98-14-062	388-17	PREP	98-16-022	388-49-340	REP-P	98-11-084
388-15-19630	NEW	98-18-037	388-31	PREP	98-06-088	388-49-350	REP-P	98-11-084
388-15-19630	NEW-P	98-14-062	388-49-010	REP	98-16-044	388-49-350	REP	98-16-044
388-15-19640	NEW	98-18-037	388-49-010	REP-P	98-11-084	388-49-355	REP	98-16-044
388-15-19640	NEW-P	98-14-062	388-49-015	REP-P	98-11-084	388-49-355	REP-P	98-11-084
388-15-19650	NEW	98-18-037	388-49-015	REP	98-16-044	388-49-360	AMD-W	98-06-076
388-15-19650	NEW-P	98-14-062	388-49-020	REP-P	98-11-084	388-49-360	REP-P	98-11-084
388-15-19660	NEW	98-18-037	388-49-020	REP	98-16-044	388-49-360	REP	98-16-044
388-15-19660	NEW-P	98-14-062	388-49-030	REP	98-16-044	388-49-362	REP	98-16-044
388-15-19670	NEW	98-18-037	388-49-030	REP-P	98-11-084	388-49-362	REP-P	98-11-084
388-15-19670	NEW-P	98-14-062	388-49-040	REP-P	98-11-084	388-49-364	REP	98-16-044
388-15-19680	NEW	98-18-037	388-49-040	REP	98-16-044	388-49-364	REP-P	98-11-084
388-15-19680	NEW-P	98-14-062	388-49-050	REP-P	98-11-084	388-49-366	REP-P	98-11-084
388-15-201	AMD-E	98-17-030	388-49-050	REP	98-16-044	388-49-366	REP	98-16-044
388-15-201	NEW	98-04-026	388-49-060	REP-P	98-11-084	388-49-368	REP	98-16-044
388-15-201	AMD-E	98-09-042	388-49-060	REP	98-16-044	388-49-368	REP-P	98-11-084
388-15-201	PREP	98-11-032	388-49-070	REP	98-16-044	388-49-369	REP	98-16-044
388-15-201	AMD-P	98-15-138	388-49-070	REP-P	98-11-084	388-49-369	REP-P	98-11-084
388-15-202	PREP	98-11-031	388-49-080	REP-P	98-11-084	388-49-370	REP-P	98-11-084
388-15-202	PREP	98-11-031	388-49-080	REP	98-16-044	388-49-370	REP	98-16-044
388-15-209	AMD-E	98-17-030	388-49-090	REP-P	98-11-084	388-49-380	AMD-W	98-06-076
388-15-209	AMD	98-04-026	388-49-090	REP	98-16-044	388-49-380	REP	98-16-044
388-15-209	AMD-E	98-09-042	388-49-100	REP	98-16-044	388-49-380	REP-P	98-11-084
388-15-209	PREP	98-11-032	388-49-100	REP-P	98-11-084	388-49-385	AMD-W	98-06-076
388-15-209	AMD-P	98-15-138	388-49-110	REP-P	98-11-084	388-49-385	REP	98-16-044
388-15-214	PREP	98-11-031	388-49-110	REP	98-16-044	388-49-385	REP-P	98-11-084
388-15-215	REP-W	98-13-077	388-49-120	REP	98-16-044	388-49-390	REP-P	98-11-084
388-15-215	PREP	98-11-031	388-49-120	REP-P	98-11-084	388-49-390	REP	98-16-044
388-15-216	REP-XR	98-08-073	388-49-150	REP-P	98-11-084	388-49-400	REP	98-16-044
388-15-216	REP	98-14-052	388-49-150	REP	98-16-044	388-49-400	REP-P	98-11-084
388-15-216	PREP	98-11-032	388-49-160	REP	98-16-044	388-49-410	REP	98-16-044
388-15-219	PREP	98-11-031	388-49-160	REP-P	98-11-084	388-49-410	REP-P	98-11-084
388-15-222	AMD-E	98-17-030	388-49-170	REP-P	98-11-084	388-49-420	REP-P	98-11-084
388-15-222	AMD-E	98-09-042	388-49-170	REP	98-16-044	388-49-420	REP	98-16-044
388-15-222	AMD	98-04-026	388-49-180	REP-P	98-11-084	388-49-430	REP-P	98-11-084
388-15-222	PREP	98-11-032	388-49-180	REP	98-16-044	388-49-430	REP	98-16-044
388-15-222	AMD-P	98-15-138	388-49-190	REP	98-16-044	388-49-440	REP	98-16-044
388-15-300	REP	98-02-058	388-49-190	REP-P	98-11-084	388-49-440	REP-P	98-11-084
388-15-310	REP	98-02-058	388-49-200	REP-P	98-11-084	388-49-450	REP	98-16-044
388-15-320	REP	98-02-058	388-49-200	REP	98-16-044	388-49-450	REP-P	98-11-084
388-15-330	REP	98-02-058	388-49-210	REP-P	98-11-084	388-49-460	REP	98-16-044
388-15-600	PREP	98-11-031	388-49-210	REP	98-16-044	388-49-460	REP-P	98-11-084
388-15-610	AMD-E	98-17-030	388-49-220	REP	98-16-044	388-49-470	REP-P	98-11-084
388-15-610	AMD-E	98-09-042	388-49-220	REP-P	98-11-084	388-49-470	REP	98-16-044
388-15-610	AMD	98-04-026	388-49-230	REP	98-16-044	388-49-480	REP	98-16-044
388-15-610	PREP	98-11-032	388-49-230	REP-P	98-11-084	388-49-480	REP-P	98-11-084
388-15-610	AMD-P	98-15-138	388-49-240	REP-P	98-11-084	388-49-485	REP	98-16-044
388-15-620	PREP	98-11-031	388-49-240	REP	98-16-044	388-49-485	REP-P	98-11-084
388-15-630	PREP	98-11-031	388-49-250	REP	98-16-044	388-49-490	REP	98-16-044
388-15-830	AMD-E	98-17-030	388-49-250	REP-P	98-11-084	388-49-490	REP-P	98-11-084
388-15-830	AMD-E	98-09-042	388-49-260	REP-P	98-11-084	388-49-500	REP	98-16-044
388-15-830	AMD	98-04-026	388-49-260	REP	98-16-044	388-49-500	REP-P	98-11-084
388-15-830	AMD-P	98-15-138	388-49-270	REP-P	98-11-084	388-49-505	REP	98-16-044
388-15-830	PREP	98-11-032	388-49-270	REP	98-16-044	388-49-505	REP-P	98-11-084

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-49-510	AMD	98-03-049	388-61-001	AMD	98-07-040	388-76-655	AMD-S	98-02-077
388-49-510	REP	98-16-044	388-73	PREP	98-08-084	388-76-655	AMD	98-11-095
388-49-510	REP-P	98-11-084	388-76-540	AMD-S	98-02-077	388-76-660	AMD-S	98-02-077
388-49-515	REP	98-16-044	388-76-540	AMD	98-11-095	388-76-660	AMD	98-11-095
388-49-515	REP-P	98-11-084	388-76-550	AMD-S	98-02-077	388-76-665	AMD-S	98-02-077
388-49-520	REP	98-16-044	388-76-550	AMD	98-11-095	388-76-665	AMD	98-11-095
388-49-520	REP-P	98-11-084	388-76-560	AMD-S	98-02-077	388-76-670	AMD-S	98-02-077
388-49-535	REP-P	98-11-084	388-76-560	AMD	98-11-095	388-76-670	AMD	98-11-095
388-49-535	REP	98-16-044	388-76-561	NEW-W	98-17-072	388-76-675	AMD-S	98-02-077
388-49-550	AMD-E	98-04-040	388-76-561	NEW-S	98-04-032	388-76-675	AMD	98-11-095
388-49-550	AMD-P	98-04-039	388-76-570	AMD-S	98-02-077	388-76-680	AMD-S	98-02-077
388-49-550	AMD	98-10-025	388-76-570	AMD	98-11-095	388-76-680	AMD	98-11-095
388-49-550	REP-P	98-11-084	388-76-590	AMD-W	98-08-091	388-76-685	AMD-S	98-02-077
388-49-550	REP	98-16-044	388-76-590	AMD-S	98-04-032	388-76-685	AMD	98-11-095
388-49-560	REP-E	98-04-040	388-76-590	AMD	98-12-054	388-76-690	AMD-S	98-02-077
388-49-560	REP-P	98-04-039	388-76-59000	NEW	98-12-054	388-76-690	AMD	98-11-095
388-49-560	AMD	98-10-025	388-76-59010	NEW	98-12-054	388-76-695	AMD-S	98-02-077
388-49-560	REP	98-16-044	388-76-59020	NEW	98-12-054	388-76-695	AMD	98-11-095
388-49-560	REP-P	98-11-084	388-76-59050	NEW	98-12-054	388-76-705	AMD-S	98-02-077
388-49-570	AMD	98-10-025	388-76-59060	NEW	98-12-054	388-76-705	AMD	98-11-095
388-49-570	REP-P	98-04-039	388-76-59070	NEW	98-12-054	388-76-765	AMD-W	98-08-091
388-49-570	REP-E	98-04-040	388-76-59080	NEW	98-12-054	388-79	NEW-C	98-05-053
388-49-570	REP-P	98-11-084	388-76-59090	NEW	98-12-054	388-79-010	NEW-P	98-03-085
388-49-570	REP	98-16-044	388-76-59100	NEW	98-12-054	388-79-010	NEW	98-10-055
388-49-580	REP-P	98-04-039	388-76-59110	NEW	98-12-054	388-79-020	NEW-P	98-03-085
388-49-580	REP-E	98-04-040	388-76-59120	NEW	98-12-054	388-79-020	NEW	98-10-055
388-49-580	AMD	98-10-025	388-76-595	AMD-S	98-02-077	388-79-030	NEW	98-10-055
388-49-580	REP	98-16-044	388-76-595	AMD	98-11-095	388-79-030	NEW-P	98-03-085
388-49-580	REP-P	98-11-084	388-76-600	AMD-S	98-04-032	388-79-040	NEW-P	98-03-085
388-49-590	REP	98-16-044	388-76-600	AMD	98-12-054	388-79-040	NEW	98-10-055
388-49-590	REP-P	98-11-084	388-76-60000	NEW	98-12-054	388-86	PREP	98-10-106
388-49-600	REP	98-16-044	388-76-60010	NEW	98-12-054	388-86-005	AMD	98-18-079
388-49-600	REP-P	98-11-084	388-76-60020	NEW	98-12-054	388-86-005	AMD-P	98-15-140
388-49-610	REP-P	98-11-084	388-76-60030	NEW	98-12-054	388-86-015	REP	98-16-050
388-49-610	REP	98-16-044	388-76-60040	NEW	98-12-054	388-86-015	REP-P	98-13-082
388-49-620	REP	98-16-044	388-76-60050	NEW	98-12-054	388-86-024	PREP	98-15-112
388-49-620	REP-P	98-11-084	388-76-60060	NEW	98-12-054	388-86-027	AMD-P	98-11-084
388-49-630	REP	98-16-044	388-76-60070	NEW	98-12-054	388-86-027	AMD	98-16-044
388-49-630	REP-P	98-11-084	388-76-605	AMD-S	98-02-077	388-86-045	PREP	98-13-086
388-49-630	REP-P	98-11-084	388-76-605	AMD	98-11-095	388-86-080	REP	98-16-050
388-49-640	REP-P	98-11-084	388-76-610	AMD-W	98-08-091	388-86-080	REP-P	98-13-082
388-49-640	REP	98-16-044	388-76-610	AMD-S	98-04-032	388-86-095	REP-W	98-15-101
388-49-650	REP-P	98-11-084	388-76-610	AMD	98-12-054	388-86-095	REP-P	98-13-082
388-49-650	REP	98-16-044	388-76-61000	NEW	98-12-054	388-87	PREP	98-10-106
388-49-660	REP	98-16-044	388-76-61010	NEW	98-12-054	388-87	PREP	98-13-086
388-49-660	REP-P	98-11-084	388-76-61020	NEW	98-12-054	388-96	PREP	98-06-066
388-49-670	REP	98-16-044	388-76-61030	NEW	98-12-054	388-96	PREP	98-03-077
388-49-670	REP-P	98-11-084	388-76-61040	NEW	98-12-054	388-96	AMD-P	98-15-141
388-49-680	REP	98-16-044	388-76-61050	NEW	98-12-054	388-96-010	AMD-P	98-15-141
388-49-680	REP-P	98-11-084	388-76-61060	NEW	98-12-054	388-96-020	AMD-P	98-15-141
388-49-690	REP	98-16-044	388-76-61070	NEW	98-12-054	388-96-023	REP-P	98-15-141
388-49-690	REP-P	98-11-084	388-76-61070	NEW	98-12-054	388-96-026	AMD-P	98-15-141
388-49-700	REP	98-16-044	388-76-61080	NEW	98-12-054	388-96-029	REP-P	98-15-141
388-49-700	REP-P	98-11-084	388-76-615	AMD-S	98-04-032	388-96-032	REP-P	98-15-141
388-55-006	REP	98-16-044	388-76-615	AMD	98-12-054	388-96-101	REP-P	98-15-141
388-55-006	REP-P	98-11-084	388-76-61500	NEW	98-12-054	388-96-104	REP-P	98-15-141
388-55-008	REP-P	98-11-084	388-76-61510	NEW	98-12-054	388-96-108	AMD-P	98-15-141
388-55-008	REP	98-16-044	388-76-61520	NEW	98-12-054	388-96-110	REP-P	98-15-141
388-55-010	REP-P	98-11-084	388-76-61530	NEW	98-12-054	388-96-113	REP-P	98-15-141
388-55-010	REP	98-16-044	388-76-61540	NEW	98-12-054	388-96-119	AMD-P	98-15-141
388-55-020	REP-P	98-11-084	388-76-61550	NEW	98-12-054	388-96-122	AMD-P	98-15-141
388-55-020	REP	98-16-044	388-76-61560	NEW	98-12-054	388-96-128	REP-P	98-15-141
388-55-030	REP	98-16-044	388-76-61570	NEW	98-12-054	388-96-131	REP-P	98-15-141
388-55-030	REP-P	98-11-084	388-76-620	AMD-S	98-02-077	388-96-134	REP-P	98-15-141
388-55-040	REP-P	98-11-084	388-76-620	AMD	98-11-095	388-96-202	NEW-P	98-15-141
388-55-040	REP	98-16-044	388-76-635	AMD-S	98-02-077	388-96-204	REP-P	98-15-141
388-55-060	REP	98-16-044	388-76-635	AMD	98-11-095	388-96-207	REP-P	98-15-141
388-55-060	REP-P	98-11-084	388-76-640	AMD-W	98-08-091			

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-96-210	REP-P	98-15-141	388-96-752	REP-P	98-15-141	388-210-1330	REP	98-16-044
388-96-213	REP-P	98-15-141	388-96-754	REP-P	98-15-141	388-210-1340	REP-P	98-11-084
388-96-218	NEW-P	98-15-141	388-96-757	AMD-P	98-15-141	388-210-1340	REP	98-16-044
388-96-220	REP-P	98-15-141	388-96-760	AMD-P	98-15-141	388-210-1350	REP	98-16-044
388-96-221	REP-P	98-15-141	388-96-761	REP-P	98-15-141	388-210-1350	REP-P	98-11-084
388-96-224	REP-P	98-15-141	388-96-763	REP-P	98-15-141	388-210-1400	REP-P	98-11-084
388-96-226	REP-P	98-15-141	388-96-764	REP-P	98-15-141	388-210-1400	REP	98-16-044
388-96-228	REP-P	98-15-141	388-96-765	REP-P	98-15-141	388-210-1410	REP	98-16-044
388-96-229	REP-P	98-15-141	388-96-768	REP-P	98-15-141	388-210-1410	REP-P	98-11-084
388-96-501	REP-P	98-15-141	388-96-769	REP-P	98-15-141	388-210-1420	REP-P	98-11-084
388-96-502	AMD-P	98-15-141	388-96-774	REP-P	98-15-141	388-210-1420	REP	98-16-044
388-96-503	REP-P	98-15-141	388-96-776	AMD-P	98-15-141	388-212-1000	REP-P	98-11-084
388-96-505	AMD-P	98-15-141	388-96-778	REP-P	98-15-141	388-212-1000	REP	98-16-044
388-96-507	REP-P	98-15-141	388-96-801	REP-P	98-15-141	388-212-1050	REP-P	98-11-084
388-96-508	REP-P	98-15-141	388-96-804	REP-P	98-15-141	388-212-1050	REP	98-16-044
388-96-509	REP-P	98-15-141	388-96-807	REP-P	98-15-141	388-212-1100	REP	98-16-044
388-96-513	REP-P	98-15-141	388-96-810	REP-P	98-15-141	388-212-1100	REP-P	98-11-084
388-96-521	REP-P	98-15-141	388-96-813	REP-P	98-15-141	388-212-1140	REP-P	98-11-084
388-96-523	REP-P	98-15-141	388-96-816	REP-P	98-15-141	388-212-1140	REP	98-16-044
388-96-525	AMD-P	98-15-141	388-96-901	AMD-P	98-15-141	388-212-1150	REP-P	98-11-084
388-96-529	REP-P	98-15-141	388-96-904	AMD-P	98-15-141	388-212-1150	REP	98-16-044
388-96-530	NEW-P	98-15-141	388-96-905	NEW-P	98-15-141	388-212-1200	REP-P	98-11-084
388-96-531	REP-P	98-15-141	388-97	PREP	98-06-089	388-212-1200	REP	98-16-044
388-96-532	NEW-P	98-15-141	388-97-235	AMD-W	98-13-077	388-212-1250	REP-P	98-11-084
388-96-533	REP-P	98-15-141	388-150-180	PREP	98-02-057	388-212-1250	REP	98-16-044
388-96-535	AMD-P	98-15-141	388-150-190	PREP	98-02-057	388-215-1000	REP	98-16-044
388-96-536	NEW-P	98-15-141	388-150-200	PREP	98-02-057	388-215-1000	REP-P	98-11-084
388-96-540	NEW-P	98-15-141	388-150-470	PREP	98-02-057	388-215-1010	REP	98-16-044
388-96-542	NEW-P	98-15-141	388-151	PREP	98-10-104	388-215-1010	REP-P	98-11-084
388-96-543	REP-P	98-15-141	388-151-180	PREP	98-02-057	388-215-1025	REP-P	98-11-084
388-96-555	REP-P	98-15-141	388-151-190	PREP	98-02-057	388-215-1025	REP	98-16-044
388-96-557	REP-P	98-15-141	388-151-200	PREP	98-02-057	388-215-1050	REP-P	98-11-084
388-96-567	REP-P	98-15-141	388-151-470	PREP	98-02-057	388-215-1050	REP	98-16-044
388-96-569	REP-P	98-15-141	388-155-180	PREP	98-02-057	388-215-1060	REP	98-16-044
388-96-571	REP-P	98-15-141	388-155-190	PREP	98-02-057	388-215-1060	REP-P	98-11-084
388-96-573	REP-P	98-15-141	388-155-200	PREP	98-02-057	388-215-1070	REP-P	98-11-084
388-96-580	AMD-P	98-15-141	388-155-470	PREP	98-02-057	388-215-1070	REP	98-16-044
388-96-585	AMD-P	98-15-141	388-160	PREP	98-08-084	388-215-1080	REP	98-16-044
388-96-704	AMD-P	98-15-141	388-200-1100	REP	98-16-044	388-215-1080	REP-P	98-11-084
388-96-708	AMD-P	98-15-141	388-200-1100	REP-P	98-11-084	388-215-1100	REP-P	98-11-084
388-96-709	AMD-P	98-15-141	388-200-1150	REP	98-16-044	388-215-1100	REP	98-16-044
388-96-710	AMD-P	98-15-141	388-200-1150	REP-P	98-11-084	388-215-1110	REP	98-16-044
388-96-713	AMD-P	98-15-141	388-210-1000	REP	98-16-044	388-215-1110	REP-P	98-11-084
388-96-716	REP-P	98-15-141	388-210-1000	REP-P	98-11-084	388-215-1115	REP	98-16-044
388-96-717	REP-P	98-15-141	388-210-1010	REP	98-16-044	388-215-1115	REP-P	98-11-084
388-96-718	NEW-E	98-11-094	388-210-1010	REP-P	98-11-084	388-215-1120	REP-P	98-11-084
388-96-718	NEW-P	98-15-103	388-210-1020	REP-P	98-11-084	388-215-1120	REP	98-16-044
388-96-719	REP-P	98-15-141	388-210-1020	REP	98-16-044	388-215-1130	REP-P	98-11-084
388-96-722	REP-P	98-15-141	388-210-1050	REP	98-16-044	388-215-1130	REP	98-16-044
388-96-723	NEW-P	98-15-141	388-210-1050	REP-P	98-11-084	388-215-1140	REP	98-16-044
388-96-724	NEW-P	98-15-141	388-210-1100	REP	98-16-044	388-215-1140	REP-P	98-11-084
388-96-725	NEW-P	98-15-141	388-210-1100	REP-P	98-11-084	388-215-1150	REP	98-16-044
388-96-726	NEW-P	98-15-141	388-210-1200	REP-P	98-11-084	388-215-1150	REP-P	98-11-084
388-96-727	REP-P	98-15-141	388-210-1200	REP	98-16-044	388-215-1160	REP-P	98-11-084
388-96-728	NEW-P	98-15-141	388-210-1220	REP-P	98-11-084	388-215-1160	REP	98-16-044
388-96-729	NEW-P	98-15-141	388-210-1220	REP	98-16-044	388-215-1170	REP-P	98-11-084
388-96-735	REP-P	98-15-141	388-210-1230	REP-P	98-11-084	388-215-1170	REP	98-16-044
388-96-737	REP-P	98-15-141	388-210-1230	REP	98-16-044	388-215-1225	REP	98-16-044
388-96-738	NEW-P	98-15-141	388-210-1250	REP-P	98-11-084	388-215-1225	REP-P	98-11-084
388-96-739	NEW-P	98-15-141	388-210-1250	REP	98-16-044	388-215-1230	REP	98-16-044
388-96-740	NEW-P	98-15-141	388-210-1300	REP-P	98-11-084	388-215-1230	REP-P	98-11-084
388-96-741	NEW-P	98-15-141	388-210-1300	REP	98-16-044	388-215-1245	REP	98-16-044
388-96-742	NEW-P	98-15-141	388-210-1310	REP-P	98-11-084	388-215-1245	REP-P	98-11-084
388-96-744	NEW-P	98-15-141	388-210-1310	REP	98-16-044	388-215-1300	REP	98-16-044
388-96-745	REP-P	98-15-141	388-210-1320	REP-P	98-11-084	388-215-1300	REP-P	98-11-084
388-96-746	NEW-P	98-15-141	388-210-1320	REP	98-16-044	388-215-1320	REP-P	98-11-084
388-96-747	NEW-P	98-15-141	388-210-1330	REP-P	98-11-084	388-215-1320	REP	98-16-044

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-215-1325	REP-P	98-11-084	388-215-1620	REP	98-16-044	388-217-3350	REP-P	98-11-084
388-215-1325	REP	98-16-044	388-215-1630	REP	98-16-044	388-217-3350	REP	98-16-044
388-215-1330	REP-P	98-11-084	388-215-1630	REP-P	98-11-084	388-218-1010	REP-P	98-11-084
388-215-1330	REP	98-16-044	388-215-1650	REP	98-16-044	388-218-1010	REP	98-16-044
388-215-1335	REP-P	98-11-084	388-215-1650	REP-P	98-11-084	388-218-1050	REP	98-16-044
388-215-1335	REP	98-16-044	388-215-1660	REP	98-16-044	388-218-1050	REP-P	98-11-084
388-215-1340	REP-P	98-11-084	388-215-1660	REP-P	98-11-084	388-218-1100	REP-P	98-11-084
388-215-1340	REP	98-16-044	388-215-1670	REP	98-16-044	388-218-1100	REP	98-16-044
388-215-1345	REP-P	98-11-084	388-215-1670	REP-P	98-11-084	388-218-1110	REP	98-16-044
388-215-1345	REP	98-16-044	388-216-2000	REP-P	98-11-084	388-218-1110	REP-P	98-11-084
388-215-1350	REP-P	98-11-084	388-216-2000	REP	98-16-044	388-218-1120	REP	98-16-044
388-215-1350	REP	98-16-044	388-216-2050	REP	98-16-044	388-218-1120	REP-P	98-11-084
388-215-1355	REP-P	98-11-084	388-216-2050	REP-P	98-11-084	388-218-1130	REP	98-16-044
388-215-1355	REP	98-16-044	388-216-2075	REP	98-16-044	388-218-1130	REP-P	98-11-084
388-215-1360	REP-P	98-11-084	388-216-2075	REP-P	98-11-084	388-218-1140	REP	98-16-044
388-215-1360	REP	98-16-044	388-216-2100	REP	98-16-044	388-218-1140	REP-P	98-11-084
388-215-1365	REP-P	98-11-084	388-216-2100	REP-P	98-11-084	388-218-1200	REP	98-16-044
388-215-1365	REP	98-16-044	388-216-2100	REP-P	98-11-084	388-218-1200	REP-P	98-11-084
388-215-1370	REP-P	98-11-084	388-216-2150	REP	98-16-044	388-218-1210	REP	98-16-044
388-215-1370	REP	98-16-044	388-216-2150	REP-P	98-11-084	388-218-1210	REP-P	98-11-084
388-215-1375	REP	98-16-044	388-216-2200	REP-P	98-11-084	388-218-1220	REP-P	98-11-084
388-215-1375	REP-P	98-11-084	388-216-2200	REP	98-16-044	388-218-1220	REP	98-16-044
388-215-1380	REP	98-16-044	388-216-2250	REP	98-16-044	388-218-1230	REP-P	98-11-084
388-215-1380	REP-P	98-11-084	388-216-2250	REP-P	98-11-084	388-218-1230	REP-P	98-11-084
388-215-1385	REP	98-16-044	388-216-2300	REP	98-16-044	388-218-1230	REP	98-16-044
388-215-1385	REP-P	98-11-084	388-216-2300	REP-P	98-11-084	388-218-1300	REP	98-16-044
388-215-1390	REP	98-16-044	388-216-2350	REP-P	98-11-084	388-218-1300	REP-P	98-11-084
388-215-1390	REP-P	98-11-084	388-216-2350	REP	98-16-044	388-218-1310	REP	98-16-044
388-215-1400	REP	98-16-044	388-216-2450	REP-P	98-11-084	388-218-1310	REP-P	98-11-084
388-215-1400	REP-P	98-11-084	388-216-2450	REP	98-16-044	388-218-1320	REP-P	98-11-084
388-215-1410	REP-P	98-11-084	388-216-2500	REP-P	98-11-084	388-218-1320	REP	98-16-044
388-215-1410	REP	98-16-044	388-216-2500	REP	98-16-044	388-218-1330	REP	98-16-044
388-215-1420	REP	98-16-044	388-216-2550	REP	98-16-044	388-218-1330	REP-P	98-11-084
388-215-1420	REP-P	98-11-084	388-216-2550	REP-P	98-11-084	388-218-1340	REP	98-16-044
388-215-1430	REP	98-16-044	388-216-2560	REP	98-16-044	388-218-1340	REP-P	98-11-084
388-215-1430	REP-P	98-11-084	388-216-2560	REP-P	98-11-084	388-218-1350	REP	98-16-044
388-215-1440	REP	98-16-044	388-216-2570	REP-P	98-11-084	388-218-1350	REP-P	98-11-084
388-215-1440	REP-P	98-11-084	388-216-2570	REP	98-16-044	388-218-1360	REP	98-16-044
388-215-1450	REP-P	98-11-084	388-216-2580	REP-P	98-11-084	388-218-1360	REP-P	98-11-084
388-215-1450	REP	98-16-044	388-216-2590	REP	98-16-044	388-218-1390	NEW-P	98-07-100
388-215-1460	REP-P	98-11-084	388-216-2590	REP-P	98-11-084	388-218-1390	NEW	98-10-041
388-215-1460	REP	98-16-044	388-216-2600	REP	98-16-044	388-218-1390	REP	98-16-044
388-215-1470	REP	98-16-044	388-216-2600	REP-P	98-11-084	388-218-1390	REP-P	98-11-084
388-215-1470	REP-P	98-11-084	388-216-2650	REP	98-16-044	388-218-1400	REP-P	98-11-084
388-215-1480	REP-P	98-11-084	388-216-2650	REP-P	98-11-084	388-218-1400	REP	98-16-044
388-215-1480	REP	98-16-044	388-216-2650	REP-P	98-11-084	388-218-1410	REP-P	98-11-084
388-215-1490	REP-P	98-11-084	388-216-2800	REP	98-16-044	388-218-1410	REP	98-16-044
388-215-1490	REP	98-16-044	388-216-2800	REP-P	98-11-084	388-218-1430	REP	98-16-044
388-215-1500	REP-P	98-11-084	388-216-2850	REP	98-16-044	388-218-1430	REP-P	98-11-084
388-215-1500	REP	98-16-044	388-216-2850	REP-P	98-11-084	388-218-1440	REP-P	98-11-084
388-215-1510	REP	98-16-044	388-216-2900	REP-P	98-11-084	388-218-1440	REP	98-16-044
388-215-1510	REP-P	98-11-084	388-216-2900	REP	98-16-044	388-218-1470	REP-P	98-11-084
388-215-1520	REP-P	98-11-084	388-216-3000	REP-P	98-11-084	388-218-1470	REP	98-16-044
388-215-1520	REP	98-16-044	388-216-3000	REP	98-16-044	388-218-1500	REP-P	98-11-084
388-215-1540	REP-P	98-11-084	388-217-3000	REP-P	98-11-084	388-218-1500	REP	98-16-044
388-215-1540	REP	98-16-044	388-217-3000	REP	98-16-044	388-218-1510	REP	98-16-044
388-215-1550	REP-P	98-11-084	388-217-3050	REP-P	98-11-084	388-218-1510	REP-P	98-11-084
388-215-1550	REP	98-16-044	388-217-3050	REP	98-16-044	388-218-1520	REP-P	98-11-084
388-215-1560	REP-P	98-11-084	388-217-3100	REP	98-16-044	388-218-1520	REP	98-16-044
388-215-1560	REP	98-16-044	388-217-3100	REP-P	98-11-084	388-218-1530	REP-P	98-11-084
388-215-1570	REP-P	98-11-084	388-217-3150	REP	98-16-044	388-218-1530	REP	98-16-044
388-215-1570	REP	98-16-044	388-217-3150	REP-P	98-11-084	388-218-1540	REP	98-16-044
388-215-1600	REP	98-16-044	388-217-3200	REP	98-16-044	388-218-1540	REP-P	98-11-084
388-215-1600	REP-P	98-11-084	388-217-3200	REP-P	98-11-084	388-218-1600	REP-P	98-11-084
388-215-1610	REP-P	98-11-084	388-217-3250	REP	98-16-044	388-218-1600	REP	98-16-044
388-215-1610	REP	98-16-044	388-217-3250	REP-P	98-11-084	388-218-1605	REP	98-16-044
388-215-1620	REP-P	98-11-084	388-217-3300	REP	98-16-044	388-218-1605	REP-P	98-11-084
			388-217-3300	REP-P	98-11-084	388-218-1610	REP-P	98-11-084

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-218-1610	REP	98-16-044	388-219-3000	REP	98-16-044	388-233-0050	REP	98-16-044
388-218-1620	REP-P	98-11-084	388-219-3000	REP-P	98-11-084	388-233-0050	REP-P	98-11-084
388-218-1620	REP	98-16-044	388-219-3500	REP	98-16-044	388-233-0060	REP	98-16-044
388-218-1630	REP-P	98-11-084	388-219-3500	REP-P	98-11-084	388-233-0060	REP-P	98-11-084
388-218-1630	REP	98-16-044	388-220-0001	REP	98-16-044	388-233-0070	REP	98-16-044
388-218-1640	REP	98-16-044	388-220-0001	REP-P	98-11-084	388-233-0070	REP-P	98-11-084
388-218-1640	REP-P	98-11-084	388-220-0030	REP	98-16-044	388-233-0080	REP	98-16-044
388-218-1650	REP	98-16-044	388-220-0030	REP-P	98-11-084	388-233-0080	REP-P	98-11-084
388-218-1650	REP-P	98-11-084	388-220-0050	NEW	98-08-036	388-233-0090	REP-P	98-11-084
388-218-1660	REP	98-16-044	388-220-0050	REP	98-16-044	388-233-0090	REP	98-16-044
388-218-1660	REP-P	98-11-084	388-220-0050	REP-P	98-11-084	388-233-0100	REP-P	98-11-084
388-218-1670	REP-P	98-11-084	388-225-0010	REP-P	98-11-084	388-233-0100	REP	98-16-044
388-218-1670	REP	98-16-044	388-225-0010	REP	98-16-044	388-235	PREP	98-07-038
388-218-1680	REP-P	98-11-084	388-225-0020	REP-P	98-11-084	388-235-0010	REP	98-16-044
388-218-1680	REP	98-16-044	388-225-0020	REP	98-16-044	388-235-0010	REP-P	98-11-084
388-218-1690	REP	98-16-044	388-225-0050	REP-P	98-11-084	388-235-0020	REP	98-16-044
388-218-1690	REP-P	98-11-084	388-225-0050	REP	98-16-044	388-235-0020	REP-P	98-11-084
388-218-1695	REP	98-16-044	388-225-0060	REP	98-16-044	388-235-0030	REP	98-16-044
388-218-1695	REP-P	98-11-084	388-225-0060	REP-P	98-11-084	388-235-0030	AMD-E	98-14-086
388-218-1700	REP	98-06-056	388-225-0070	REP	98-16-044	388-235-0030	REP-P	98-11-084
388-218-1700	REP-P	98-03-084	388-225-0070	REP-P	98-11-084	388-235-0040	REP-P	98-11-084
388-218-1710	REP-P	98-11-084	388-225-0080	REP	98-16-044	388-235-0040	REP	98-16-044
388-218-1710	REP	98-16-044	388-225-0080	REP-P	98-11-084	388-235-0050	REP	98-16-044
388-218-1720	REP-P	98-11-084	388-225-0090	REP-P	98-11-084	388-235-0050	REP-P	98-11-084
388-218-1720	REP	98-16-044	388-225-0090	REP	98-16-044	388-235-0060	REP-P	98-11-084
388-218-1735	REP-P	98-11-084	388-225-0100	REP-P	98-11-084	388-235-0060	REP	98-16-044
388-218-1735	REP	98-16-044	388-225-0100	REP	98-16-044	388-235-0070	REP-P	98-11-084
388-218-1740	REP	98-16-044	388-225-0120	REP	98-16-044	388-235-0070	REP	98-16-044
388-218-1740	REP-P	98-11-084	388-225-0120	REP-P	98-11-084	388-235-0080	REP	98-16-044
388-218-1800	REP-P	98-03-084	388-225-0150	REP-P	98-11-084	388-235-0080	REP-P	98-11-084
388-218-1800	REP	98-06-056	388-225-0150	REP	98-16-044	388-235-0090	REP	98-16-044
388-218-1810	REP-P	98-11-084	388-225-0160	REP-P	98-11-084	388-235-0090	REP-P	98-11-084
388-218-1810	REP	98-16-044	388-225-0160	REP	98-16-044	388-235-0100	REP-P	98-11-084
388-218-1820	REP	98-16-044	388-225-0170	REP-P	98-11-084	388-235-0100	REP	98-16-044
388-218-1820	REP-P	98-11-084	388-225-0170	REP	98-16-044	388-235-0110	REP-P	98-11-084
388-218-1830	REP-P	98-11-084	388-225-0180	REP-P	98-11-084	388-235-0110	REP	98-16-044
388-218-1830	REP	98-16-044	388-225-0180	REP	98-16-044	388-235-2000	REP-P	98-11-084
388-218-1900	REP	98-16-044	388-225-0190	REP-P	98-11-084	388-235-2000	REP	98-16-044
388-218-1900	REP-P	98-11-084	388-225-0190	REP	98-16-044	388-235-3000	REP	98-16-044
388-218-1910	REP-P	98-11-084	388-230-0010	REP-P	98-11-084	388-235-3000	REP-P	98-11-084
388-218-1910	REP	98-16-044	388-230-0010	REP	98-16-044	388-235-4000	REP	98-16-044
388-218-1920	REP-P	98-11-084	388-230-0030	REP-P	98-11-084	388-235-4000	REP-P	98-11-084
388-218-1920	REP	98-16-044	388-230-0030	REP	98-16-044	388-245-1000	REP-P	98-11-084
388-218-1930	REP-P	98-11-084	388-230-0050	REP-P	98-11-084	388-245-1000	REP	98-16-044
388-218-1930	REP	98-16-044	388-230-0050	REP	98-16-044	388-245-1150	AMD	98-04-015
388-218-1940	REP	98-06-056	388-230-0060	REP-P	98-11-084	388-245-1150	REP-P	98-11-084
388-218-1940	REP-P	98-03-084	388-230-0060	AMD-E	98-14-086	388-245-1150	REP	98-16-044
388-219-0100	REP-P	98-11-084	388-230-0060	REP	98-16-044	388-245-1160	REP	98-16-044
388-219-0100	REP	98-16-044	388-230-0080	REP-P	98-11-084	388-245-1160	REP-P	98-11-084
388-219-0200	REP-P	98-11-084	388-230-0080	REP	98-16-044	388-245-1170	REP	98-16-044
388-219-0200	REP	98-16-044	388-230-0090	REP-P	98-11-084	388-245-1170	REP-P	98-11-084
388-219-1000	REP	98-16-044	388-230-0090	REP	98-16-044	388-245-1210	REP	98-16-044
388-219-1000	REP-P	98-11-084	388-230-0110	REP-P	98-11-084	388-245-1210	REP-P	98-11-084
388-219-1100	REP-P	98-11-084	388-230-0110	REP	98-16-044	388-245-1300	REP	98-16-044
388-219-1100	REP	98-16-044	388-230-0120	REP	98-16-044	388-245-1300	REP-P	98-11-084
388-219-1500	REP	98-16-044	388-230-0120	REP-P	98-11-084	388-245-1310	REP	98-16-044
388-219-1500	REP-P	98-11-084	388-230-0140	REP-P	98-11-084	388-245-1310	REP-P	98-11-084
388-219-1600	REP	98-16-044	388-230-0140	REP	98-16-044	388-245-1315	REP-P	98-11-084
388-219-1600	REP-P	98-11-084	388-233-0010	REP-P	98-11-084	388-245-1315	REP	98-16-044
388-219-1700	REP	98-16-044	388-233-0010	REP	98-16-044	388-245-1320	REP	98-16-044
388-219-1700	REP-P	98-11-084	388-233-0020	REP	98-16-044	388-245-1320	REP-P	98-11-084
388-219-2000	REP	98-16-044	388-233-0020	REP-P	98-11-084	388-245-1350	REP	98-16-044
388-219-2000	REP-P	98-11-084	388-233-0030	REP	98-16-044	388-245-1350	REP-P	98-11-084
388-219-2500	REP-P	98-11-084	388-233-0030	REP-P	98-11-084	388-245-1400	REP-P	98-11-084
388-219-2500	REP	98-16-044	388-233-0035	NEW-E	98-14-086	388-245-1400	REP	98-16-044
388-219-2600	REP-P	98-11-084	388-233-0040	REP	98-16-044	388-245-1410	REP-P	98-11-084
388-219-2600	REP	98-16-044	388-233-0040	REP-P	98-11-084	388-245-1410	REP	98-16-044

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-245-1500	REP-P	98-11-084	388-250-1700	REP	98-16-044	388-270-1400	REP-P	98-11-084
388-245-1500	REP	98-16-044	388-250-1700	REP-P	98-11-084	388-270-1500	REP-P	98-11-084
388-245-1510	AMD	98-04-016	388-250-1750	REP-P	98-11-084	388-270-1500	REP	98-16-044
388-245-1510	REP-P	98-11-084	388-250-1750	REP	98-16-044	388-270-1550	REP	98-16-044
388-245-1510	REP	98-16-044	388-255-1350	REP-P	98-11-084	388-270-1550	REP-P	98-11-084
388-245-1520	REP-P	98-11-084	388-255-1350	REP	98-16-044	388-270-1600	REP	98-16-044
388-245-1520	REP	98-16-044	388-255-1400	REP-P	98-11-084	388-270-1600	REP-P	98-11-084
388-245-1600	REP-P	98-11-084	388-255-1400	REP	98-16-044	388-275	PREP	98-07-036
388-245-1600	REP	98-16-044	388-265	PREP	98-07-099	388-275-0020	REP	98-16-044
388-245-1610	REP	98-16-044	388-265-1010	REP-P	98-11-084	388-275-0020	REP-P	98-11-084
388-245-1610	REP-P	98-11-084	388-265-1010	REP	98-16-044	388-275-0030	REP	98-16-044
388-245-1700	REP	98-16-044	388-265-1050	REP	98-16-044	388-275-0030	REP-P	98-11-084
388-245-1700	REP-P	98-11-084	388-265-1050	REP-P	98-11-084	388-275-0050	REP-P	98-11-084
388-245-1710	REP-P	98-11-084	388-265-1100	REP	98-16-044	388-275-0050	REP	98-16-044
388-245-1710	REP	98-16-044	388-265-1100	REP-P	98-11-084	388-275-0060	REP-P	98-11-084
388-245-1715	REP	98-16-044	388-265-1150	AMD-P	98-11-074	388-275-0060	REP	98-16-044
388-245-1715	REP-P	98-11-084	388-265-1155	NEW-P	98-11-074	388-275-0070	REP-P	98-11-084
388-245-1720	REP	98-16-044	388-265-1200	AMD-P	98-11-074	388-275-0070	REP	98-16-044
388-245-1720	REP-P	98-11-084	388-265-1250	AMD-P	98-11-074	388-275-0090	REP	98-16-044
388-245-1730	REP	98-16-044	388-265-1275	AMD-P	98-11-074	388-275-0090	REP-P	98-11-084
388-245-1730	REP-P	98-11-084	388-265-1300	AMD-P	98-11-074	388-280	PREP	98-07-037
388-245-1740	REP-P	98-11-084	388-265-1375	NEW-P	98-11-074	388-290	PREP	98-08-075
388-245-1740	REP	98-16-044	388-265-1400	REP-P	98-11-074	388-290-010	AMD-P	98-17-080
388-245-2010	REP	98-16-044	388-265-1450	AMD-P	98-11-074	388-290-010	AMD-E	98-18-078
388-245-2010	REP-P	98-11-084	388-265-1500	AMD-P	98-11-074	388-290-010	AMD-P	98-03-083
388-245-2020	REP-P	98-11-084	388-265-1500	AMD-W	98-16-038	388-290-010	AMD	98-08-021
388-245-2020	REP	98-16-044	388-265-1550	REP-P	98-11-074	388-290-020	AMD-P	98-03-083
388-245-2030	REP-P	98-11-084	388-265-1550	REP-W	98-16-038	388-290-020	AMD	98-08-021
388-245-2030	REP	98-16-044	388-265-1550	REP-P	98-11-084	388-290-025	AMD-P	98-03-083
388-245-2040	REP-P	98-11-084	388-265-1550	REP	98-16-044	388-290-025	AMD	98-08-021
388-245-2040	REP	98-16-044	388-265-1600	AMD-P	98-11-074	388-290-035	AMD-P	98-03-083
388-245-2050	REP	98-16-044	388-265-1700	REP	98-16-044	388-290-035	AMD	98-08-021
388-245-2050	REP-P	98-11-084	388-265-1700	REP-P	98-11-084	388-290-050	AMD	98-08-021
388-250-1010	REP-P	98-11-084	388-265-1700	REP-P	98-11-074	388-290-050	AMD-P	98-03-083
388-250-1010	REP	98-16-044	388-265-1800	REP	98-16-044	388-290-055	AMD-E	98-16-093
388-250-1050	REP-P	98-11-084	388-265-1800	REP-P	98-11-084	388-290-055	AMD-P	98-17-080
388-250-1050	REP	98-16-044	388-265-1850	REP-P	98-11-084	388-290-055	PREP	98-08-075
388-250-1100	REP	98-16-044	388-265-1850	REP	98-16-044	388-290-055	RESCIND	98-16-040
388-250-1100	REP-P	98-11-084	388-265-1900	REP	98-16-044	388-290-055	AMD-E	98-16-026
388-250-1150	REP	98-16-044	388-265-1900	REP-P	98-11-084	388-290-090	PREP	98-08-075
388-250-1150	REP-P	98-11-084	388-265-1950	REP	98-16-044	388-290-090	AMD	98-08-021
388-250-1200	REP-P	98-11-084	388-265-1950	REP-P	98-11-084	388-290-090	AMD-P	98-03-083
388-250-1200	REP	98-16-044	388-265-2000	REP	98-16-044	388-310-0400	AMD-P	98-15-139
388-250-1225	REP-P	98-11-084	388-265-2000	REP-P	98-11-084	388-310-0500	AMD-P	98-15-139
388-250-1225	REP	98-16-044	388-270-1005	REP	98-16-044	388-310-1000	AMD-P	98-15-139
388-250-1250	AMD	98-08-037	388-270-1005	REP-P	98-11-084	388-310-1050	NEW-P	98-15-139
388-250-1250	REP	98-16-044	388-270-1010	REP	98-16-044	388-310-1300	NEW-S	98-03-080
388-250-1250	REP-P	98-11-084	388-270-1010	REP-P	98-11-084	388-310-1300	NEW-S	98-07-042
388-250-1300	REP	98-16-044	388-270-1025	REP	98-16-044	388-310-1300	NEW	98-10-054
388-250-1300	REP-P	98-11-084	388-270-1025	REP-P	98-11-084	388-310-1600	AMD-P	98-15-139
388-250-1310	REP-P	98-11-084	388-270-1075	REP-P	98-11-084	388-320-340	REP-P	98-08-076
388-250-1310	REP	98-16-044	388-270-1075	REP	98-16-044	388-320-340	REP	98-11-034
388-250-1350	REP	98-16-044	388-270-1100	REP	98-16-044	388-400-0005	NEW	98-16-044
388-250-1350	REP-P	98-11-084	388-270-1100	REP-P	98-11-084	388-400-0005	NEW-P	98-11-084
388-250-1400	REP	98-16-044	388-270-1110	REP-P	98-11-084	388-400-0010	NEW	98-16-044
388-250-1400	REP-P	98-11-084	388-270-1110	REP	98-16-044	388-400-0010	NEW-P	98-11-084
388-250-1450	REP	98-16-044	388-270-1125	REP	98-16-044	388-400-0015	NEW-P	98-11-084
388-250-1450	REP-P	98-11-084	388-270-1125	REP-P	98-11-084	388-400-0015	NEW	98-16-044
388-250-1500	REP	98-16-044	388-270-1150	REP-P	98-11-084	388-400-0020	NEW-P	98-11-084
388-250-1500	REP-P	98-11-084	388-270-1150	REP	98-16-044	388-400-0020	NEW	98-16-044
388-250-1550	REP	98-16-044	388-270-1200	REP-P	98-11-084	388-400-0025	NEW-P	98-11-084
388-250-1550	REP-P	98-11-084	388-270-1200	REP	98-16-044	388-400-0025	NEW	98-16-044
388-250-1600	REP-P	98-11-084	388-270-1250	REP-P	98-11-084	388-400-0030	NEW-P	98-11-084
388-250-1600	REP	98-16-044	388-270-1250	REP	98-16-044	388-400-0030	NEW	98-16-044
388-250-1650	REP-P	98-11-084	388-270-1300	REP-P	98-11-084	388-400-0035	NEW	98-16-044
388-250-1650	REP	98-16-044	388-270-1300	REP	98-16-044	388-400-0035	NEW-P	98-11-084
388-250-1700	AMD	98-06-057	388-270-1400	REP	98-16-044	388-400-0040	NEW-P	98-11-084

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-400-0040	NEW	98-16-044	388-410-0025	NEW-P	98-11-084	388-424-0015	NEW-P	98-11-084
388-400-0045	NEW-P	98-13-080	388-410-0025	NEW	98-16-044	388-424-0015	NEW	98-16-044
388-400-0045	NEW	98-16-044	388-410-0030	NEW-P	98-11-084	388-424-0020	NEW	98-16-044
388-404-0005	NEW-P	98-11-084	388-410-0030	NEW	98-16-044	388-424-0020	NEW-P	98-11-084
388-404-0005	NEW	98-16-044	388-410-0035	NEW-P	98-11-084	388-424-0025	NEW	98-16-044
388-404-0010	NEW-P	98-11-084	388-410-0035	NEW	98-16-044	388-424-0025	NEW-P	98-11-084
388-404-0010	NEW	98-16-044	388-410-0040	NEW-P	98-11-084	388-426-0005	NEW	98-16-044
388-404-0015	NEW-P	98-11-084	388-410-0040	NEW	98-16-044	388-426-0005	NEW-P	98-11-084
388-404-0015	NEW	98-16-044	388-412	PREP	98-16-089	388-428-0005	NEW-P	98-11-084
388-406-0005	NEW-P	98-11-084	388-412-0005	NEW-P	98-11-084	388-428-0005	NEW-W	98-15-113
388-406-0005	NEW	98-16-044	388-412-0005	NEW	98-16-044	388-428-0010	NEW-P	98-11-084
388-406-0010	NEW-P	98-11-084	388-412-0010	NEW	98-16-044	388-428-0010	NEW	98-16-044
388-406-0010	NEW	98-16-044	388-412-0010	NEW-P	98-11-084	388-430-0001	NEW	98-16-044
388-406-0015	NEW-P	98-11-084	388-412-0015	NEW	98-16-044	388-430-0001	NEW-P	98-11-084
388-406-0015	NEW	98-16-044	388-412-0015	NEW-P	98-11-084	388-430-0005	NEW	98-16-044
388-406-0020	NEW-P	98-11-084	388-412-0020	NEW-P	98-11-084	388-430-0005	NEW-P	98-11-084
388-406-0020	NEW	98-16-044	388-412-0020	NEW	98-16-044	388-430-0010	NEW	98-16-044
388-406-0025	NEW-P	98-11-084	388-412-0025	NEW	98-16-044	388-430-0010	NEW-P	98-11-084
388-406-0025	NEW	98-16-044	388-412-0025	NEW-P	98-11-084	388-430-0015	NEW	98-16-044
388-406-0030	NEW-P	98-11-084	388-412-0030	NEW	98-16-044	388-430-0015	NEW-P	98-11-084
388-406-0030	NEW	98-16-044	388-412-0030	NEW-P	98-11-084	388-430-0020	NEW	98-16-044
388-406-0035	NEW-P	98-11-084	388-412-0035	NEW	98-16-044	388-430-0020	NEW-P	98-11-084
388-406-0035	NEW	98-16-044	388-412-0035	NEW-P	98-11-084	388-430-0025	NEW	98-16-044
388-406-0040	NEW-P	98-11-084	388-412-0040	NEW-P	98-11-084	388-430-0025	NEW-P	98-11-084
388-406-0040	NEW	98-16-044	388-412-0040	NEW	98-16-044	388-434-0005	NEW	98-16-044
388-406-0045	NEW-P	98-11-084	388-414-0001	NEW-P	98-11-084	388-434-0005	NEW-P	98-11-084
388-406-0045	NEW	98-16-044	388-414-0001	NEW	98-16-044	388-434-0010	NEW	98-16-044
388-406-0050	NEW	98-16-044	388-416-0005	NEW	98-16-044	388-434-0010	NEW-P	98-11-084
388-406-0050	NEW-P	98-11-084	388-416-0005	NEW-P	98-11-084	388-436-0001	NEW	98-16-044
388-406-0055	NEW-P	98-11-084	388-416-0010	NEW	98-16-044	388-436-0001	NEW-P	98-11-084
388-406-0055	NEW	98-16-044	388-416-0010	NEW-P	98-11-084	388-436-0005	NEW	98-16-044
388-406-0060	NEW-P	98-11-084	388-416-0015	NEW-P	98-11-084	388-436-0005	NEW-P	98-11-084
388-406-0060	NEW	98-16-044	388-416-0015	NEW	98-16-044	388-436-0010	NEW	98-16-044
388-406-0065	NEW-P	98-11-084	388-416-0020	NEW-P	98-11-084	388-436-0010	NEW-P	98-11-084
388-406-0065	NEW	98-16-044	388-416-0020	NEW	98-16-044	388-436-0015	NEW	98-16-044
388-408-0005	NEW-P	98-11-084	388-416-0025	NEW-P	98-11-084	388-436-0015	NEW-P	98-11-084
388-408-0005	NEW	98-16-044	388-416-0025	NEW	98-16-044	388-436-0020	NEW	98-16-044
388-408-0010	NEW-P	98-11-084	388-416-0030	NEW-P	98-11-084	388-436-0020	NEW-P	98-11-084
388-408-0010	NEW	98-16-044	388-416-0030	NEW	98-16-044	388-436-0025	NEW	98-16-044
388-408-0015	NEW-P	98-11-084	388-416-0035	NEW-P	98-11-084	388-436-0025	NEW-P	98-11-084
388-408-0015	NEW	98-16-044	388-416-0035	NEW	98-16-044	388-436-0030	NEW	98-16-044
388-408-0020	NEW-P	98-11-084	388-418-0005	NEW-P	98-11-084	388-436-0030	NEW-P	98-11-084
388-408-0020	NEW	98-16-044	388-418-0005	NEW	98-16-044	388-436-0035	NEW	98-16-044
388-408-0025	NEW-P	98-11-084	388-418-0010	NEW-P	98-11-084	388-436-0035	NEW-P	98-11-084
388-408-0025	NEW	98-16-044	388-418-0010	NEW	98-16-044	388-436-0040	NEW	98-16-044
388-408-0030	NEW-P	98-11-084	388-418-0015	NEW-P	98-11-084	388-436-0040	NEW-P	98-11-084
388-408-0030	NEW	98-16-044	388-418-0015	NEW	98-16-044	388-436-0045	NEW	98-16-044
388-408-0035	NEW-P	98-11-084	388-418-0020	NEW-P	98-11-084	388-436-0045	NEW-P	98-11-084
388-408-0035	NEW	98-16-044	388-418-0020	NEW	98-16-044	388-436-0050	NEW	98-16-044
388-408-0040	NEW-P	98-11-084	388-418-0025	NEW-P	98-11-084	388-436-0050	NEW-W	98-13-054
388-408-0040	NEW	98-16-044	388-418-0025	NEW	98-16-044	388-436-0050	NEW-P	98-13-080
388-408-0045	NEW-P	98-11-084	388-418-0030	NEW-P	98-11-084	388-436-0050	NEW-P	98-11-084
388-408-0045	NEW	98-16-044	388-418-0030	NEW	98-16-044	388-437-0001	NEW	98-16-044
388-408-0050	NEW-P	98-11-084	388-420-010	NEW-P	98-11-084	388-437-0001	NEW-P	98-11-084
388-408-0050	NEW	98-16-044	388-420-010	NEW	98-16-044	388-438-0100	NEW	98-16-044
388-408-0055	NEW-P	98-11-084	388-422-0005	NEW-P	98-11-084	388-438-0100	NEW-P	98-11-084
388-408-0055	NEW	98-16-044	388-422-0005	NEW	98-16-044	388-438-0110	NEW	98-16-044
388-410-0001	NEW-P	98-11-084	388-422-0010	NEW-P	98-11-084	388-438-0110	NEW-P	98-11-084
388-410-0001	NEW	98-16-044	388-422-0010	NEW	98-16-044	388-440-0001	NEW	98-16-044
388-410-0005	NEW-P	98-11-084	388-422-0020	NEW	98-16-044	388-440-0001	NEW-P	98-11-084
388-410-0005	NEW	98-16-044	388-422-0020	NEW-P	98-11-084	388-440-0005	NEW	98-16-044
388-410-0010	NEW-P	98-11-084	388-422-0030	NEW	98-16-044	388-440-0005	NEW-P	98-11-084
388-410-0010	NEW	98-16-044	388-422-0030	NEW-P	98-11-084	388-442-0010	NEW	98-16-044
388-410-0015	NEW-P	98-11-084	388-424-0005	NEW-P	98-11-084	388-442-0010	NEW-P	98-11-084
388-410-0015	NEW	98-16-044	388-424-0005	NEW	98-16-044	388-444-0005	NEW	98-16-044
388-410-0020	NEW-P	98-11-084	388-424-0010	NEW-P	98-11-084	388-444-0005	NEW-P	98-11-084
388-410-0020	NEW	98-16-044	388-424-0010	NEW	98-16-044	388-444-0010	NEW	98-16-044

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-470-0015	NEW	98-16-044	388-478-0065	NEW	98-16-044	388-504-0410	REP	98-16-050
388-470-0015	NEW-P	98-11-084	388-478-0065	NEW-P	98-11-084	388-504-0410	REP-P	98-13-082
388-470-0020	NEW	98-16-044	388-478-0070	NEW	98-16-044	388-504-0420	REP	98-16-050
388-470-0020	NEW-P	98-11-084	388-478-0070	NEW-P	98-11-084	388-504-0420	REP-P	98-13-082
388-470-0025	NEW	98-16-044	388-478-0075	NEW	98-16-044	388-504-0430	REP	98-16-050
388-470-0025	NEW-P	98-11-084	388-478-0075	NEW-P	98-11-084	388-504-0430	REP-P	98-13-082
388-470-0030	NEW	98-16-044	388-478-0080	NEW	98-16-044	388-504-0440	REP	98-16-050
388-470-0030	NEW-P	98-11-084	388-478-0080	NEW-P	98-11-084	388-504-0440	REP-P	98-13-082
388-470-0035	NEW	98-16-044	388-478-0085	NEW	98-16-044	388-504-0450	REP	98-16-050
388-470-0035	NEW-P	98-11-084	388-478-0085	NEW-P	98-11-084	388-504-0450	REP-P	98-13-082
388-470-0040	NEW	98-16-044	388-480-0001	NEW	98-16-044	388-504-0460	REP	98-16-050
388-470-0040	NEW-P	98-11-084	388-480-0001	NEW-P	98-11-084	388-504-0460	REP-P	98-13-082
388-470-0045	NEW	98-16-044	388-482-0005	NEW	98-16-044	388-504-0470	REP	98-16-050
388-470-0045	NEW-P	98-11-084	388-482-0005	NEW-P	98-11-084	388-504-0470	REP-P	98-13-082
388-470-0050	NEW	98-16-044	388-484-0005	NEW	98-16-044	388-504-0480	REP	98-16-050
388-470-0050	NEW-P	98-11-084	388-484-0005	NEW-P	98-11-084	388-504-0480	REP-P	98-13-082
388-470-0055	NEW	98-16-044	388-486-0005	NEW	98-16-044	388-504-0485	REP	98-16-050
388-470-0055	NEW-P	98-11-084	388-486-0005	NEW-P	98-11-084	388-504-0485	REP-P	98-13-082
388-470-0060	NEW	98-16-044	388-486-0010	NEW	98-16-044	388-505	PREP	98-10-106
388-470-0060	NEW-P	98-11-084	388-486-0010	NEW-P	98-11-084	388-505-0110	NEW	98-16-044
388-470-0065	NEW	98-16-044	388-488-0005	NEW	98-16-044	388-505-0110	NEW-P	98-11-084
388-470-0065	NEW-P	98-11-084	388-488-0005	NEW-P	98-11-084	388-505-0210	NEW	98-16-044
388-470-0070	NEW	98-16-044	388-488-0010	NEW	98-16-044	388-505-0210	NEW-P	98-11-084
388-470-0070	NEW-P	98-11-084	388-488-0010	NEW-P	98-11-084	388-505-0220	NEW	98-16-044
388-470-0075	NEW	98-16-044	388-490-0005	NEW	98-16-044	388-505-0220	NEW-P	98-11-084
388-470-0075	NEW-P	98-11-084	388-490-0005	NEW-P	98-11-084	388-505-0501	REP	98-16-050
388-470-0080	NEW	98-16-044	388-500	PREP	98-10-106	388-505-0501	REP-P	98-13-082
388-470-0080	NEW-P	98-11-084	388-500-0005	AMD-P	98-08-081	388-505-0505	REP	98-16-050
388-472-0005	NEW	98-16-044	388-500-0005	AMD-E	98-08-088	388-505-0505	REP-P	98-13-082
388-472-0005	NEW-P	98-11-084	388-500-0005	AMD	98-15-066	388-505-0510	REP	98-16-050
388-474-0001	NEW	98-16-044	388-501	PREP	98-10-106	388-505-0510	REP-P	98-13-082
388-474-0001	NEW-P	98-11-084	388-501-0105	REP	98-16-050	388-505-0520	REP	98-16-050
388-474-0005	NEW	98-16-044	388-501-0105	REP-P	98-13-082	388-505-0520	AMD-P	98-08-081
388-474-0005	NEW-P	98-11-084	388-501-0110	REP	98-16-050	388-505-0520	AMD-E	98-08-088
388-474-0010	NEW	98-16-044	388-501-0110	REP-P	98-13-082	388-505-0520	REP-P	98-13-082
388-474-0010	NEW-P	98-11-084	388-501-0135	AMD	98-16-044	388-505-0520	AMD	98-15-066
388-474-0015	NEW	98-16-044	388-501-0135	AMD-P	98-11-084	388-505-0530	REP	98-16-050
388-474-0015	NEW-P	98-11-084	388-501-0140	REP	98-16-050	388-505-0530	REP-P	98-13-082
388-474-0020	NEW	98-16-044	388-501-0140	REP-P	98-13-082	388-505-0540	AMD	98-16-044
388-474-0020	NEW-P	98-11-084	388-501-0150	REP-P	98-13-082	388-505-0540	AMD-P	98-11-084
388-476-0005	NEW	98-16-044	388-501-0170	REP	98-16-050	388-505-0560	REP	98-16-050
388-476-0005	NEW-P	98-11-084	388-501-0170	REP-P	98-13-082	388-505-0560	REP-P	98-13-082
388-478-0005	NEW	98-16-044	388-501-0190	REP	98-16-050	388-505-0570	REP	98-16-050
388-478-0005	NEW-P	98-11-084	388-501-0190	REP-P	98-13-082	388-505-0570	REP-P	98-13-082
388-478-0010	NEW	98-16-044	388-503	PREP	98-10-106	388-505-0580	REP	98-16-050
388-478-0010	NEW-P	98-11-084	388-503-0305	REP	98-16-050	388-505-0580	REP-P	98-13-082
388-478-0015	NEW	98-16-044	388-503-0305	REP-P	98-13-082	388-505-0590	REP	98-16-050
388-478-0015	PREP	98-17-081	388-503-0310	AMD-P	98-08-081	388-505-0590	REP-P	98-13-082
388-478-0015	NEW-P	98-11-084	388-503-0310	AMD-E	98-08-088	388-506	PREP	98-10-106
388-478-0020	NEW	98-16-044	388-503-0310	AMD	98-15-066	388-506-0610	REP	98-16-050
388-478-0020	NEW-P	98-11-084	388-503-0320	REP	98-16-050	388-506-0610	REP-P	98-13-082
388-478-0025	NEW	98-16-044	388-503-0320	REP-P	98-13-082	388-506-0620	AMD	98-18-079
388-478-0025	NEW-P	98-11-084	388-503-0350	REP	98-16-050	388-506-0620	AMD-P	98-15-140
388-478-0030	NEW	98-16-044	388-503-0350	REP-P	98-13-082	388-506-0630	REP	98-16-050
388-478-0030	NEW-P	98-11-084	388-503-0370	REP	98-16-050	388-506-0630	REP-P	98-13-082
388-478-0035	NEW	98-16-044	388-503-0370	REP-P	98-13-082	388-507	PREP	98-10-106
388-478-0035	NEW-P	98-11-084	388-503-0505	NEW	98-16-044	388-507-0710	REP	98-16-050
388-478-0040	NEW	98-16-044	388-503-0505	NEW-P	98-11-084	388-507-0710	AMD-E	98-08-087
388-478-0040	NEW-P	98-11-084	388-503-0510	NEW	98-16-044	388-507-0710	AMD-P	98-08-082
388-478-0045	NEW	98-16-044	388-503-0510	NEW-P	98-11-084	388-507-0710	AMD	98-11-033
388-478-0045	NEW-P	98-11-084	388-503-0515	NEW	98-16-044	388-507-0710	REP-P	98-13-082
388-478-0050	NEW	98-16-044	388-503-0515	NEW-P	98-11-084	388-507-0720	REP	98-16-050
388-478-0050	NEW-P	98-11-084	388-503-0520	NEW-P	98-11-084	388-507-0720	REP-P	98-13-082
388-478-0055	NEW	98-16-044	388-503-0520	NEW-W	98-16-037	388-507-0730	REP	98-16-050
388-478-0055	NEW-P	98-11-084	388-504	PREP	98-10-106	388-507-0730	REP-P	98-13-082
388-478-0060	NEW	98-16-044	388-504-0405	REP	98-16-050	388-507-0740	REP	98-16-050
388-478-0060	NEW-P	98-11-084	388-504-0405	REP-P	98-13-082	388-507-0740	AMD-P	98-08-081

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-507-0740	AMD-E	98-08-088	388-511-1160	AMD	98-04-031	388-518-1840	REP	98-16-050
388-507-0740	REP-P	98-13-082	388-511-1160	REP-P	98-13-082	388-518-1840	REP-P	98-13-082
388-507-0740	AMD	98-15-066	388-511-1170	REP	98-16-050	388-518-1850	REP	98-16-050
388-508	PREP	98-10-106	388-511-1170	REP-P	98-13-082	388-518-1850	REP-P	98-13-082
388-508-0805	REP	98-16-050	388-512	PREP	98-10-106	388-519	PREP	98-10-106
388-508-0805	AMD-W	98-17-064	388-512-1275	AMD	98-04-004	388-519-0100	NEW	98-16-044
388-508-0805	PREP	98-07-039	388-512-1280	REP	98-04-004	388-519-0100	NEW-P	98-11-084
388-508-0805	AMD-E	98-08-085	388-513	PREP	98-10-106	388-519-0110	NEW	98-16-044
388-508-0805	REP-P	98-13-082	388-513-1315	AMD	98-04-003	388-519-0110	NEW-P	98-11-084
388-508-0805	AMD-P	98-15-053	388-513-1340	PREP	98-05-052	388-519-0120	NEW	98-16-044
388-508-0805	AMD-E	98-16-036	388-513-1345	PREP	98-05-052	388-519-0120	NEW-P	98-11-084
388-508-0810	REP	98-16-050	388-513-1350	AMD-P	98-08-082	388-519-1905	REP	98-16-050
388-508-0810	REP-P	98-13-082	388-513-1350	AMD-E	98-08-087	388-519-1905	REP-P	98-13-082
388-508-0820	REP	98-16-050	388-513-1350	AMD	98-11-033	388-519-1910	REP	98-16-050
388-508-0820	REP-P	98-13-082	388-513-1380	AMD-C	98-05-053	388-519-1910	REP-P	98-13-082
388-508-0830	REP	98-16-050	388-513-1380	AMD	98-08-077	388-519-1930	REP	98-16-050
388-508-0830	REP-P	98-13-082	388-513-1380	AMD-P	98-03-085	388-519-1930	REP-P	98-13-082
388-508-0835	REP	98-16-050	388-513-1380	AMD-E	98-14-126	388-519-1950	REP	98-16-050
388-508-0835	REP-P	98-13-082	388-515	PREP	98-10-106	388-519-1950	REP-P	98-13-082
388-508-0840	REP	98-16-050	388-515-1505	PREP	98-05-051	388-521	PREP	98-10-106
388-508-0840	REP-P	98-13-082	388-517	PREP	98-04-066	388-521-2105	REP	98-16-050
388-509	PREP	98-10-106	388-517	PREP	98-10-106	388-521-2105	REP-P	98-13-082
388-509-0905	REP	98-16-050	388-517-0300	NEW	98-16-044	388-521-2106	REP	98-16-050
388-509-0905	REP-P	98-13-082	388-517-0300	NEW-P	98-11-084	388-521-2106	REP-P	98-13-082
388-509-0910	REP	98-16-050	388-517-1710	REP	98-16-050	388-521-2110	REP	98-16-050
388-509-0910	REP-P	98-13-082	388-517-1710	AMD-P	98-08-083	388-521-2110	REP-P	98-13-082
388-509-0920	AMD-W	98-17-064	388-517-1710	AMD-E	98-08-086	388-521-2120	REP	98-16-050
388-509-0920	REP	98-16-050	388-517-1710	REP-P	98-13-082	388-521-2120	REP-P	98-13-082
388-509-0920	AMD-E	98-08-085	388-517-1710	AMD	98-11-073	388-521-2130	REP	98-16-050
388-509-0920	PREP	98-07-039	388-517-1715	REP	98-16-050	388-521-2130	REP-P	98-13-082
388-509-0920	AMD-E	98-16-036	388-517-1715	AMD-P	98-08-083	388-521-2140	REP	98-16-050
388-509-0920	REP-P	98-13-082	388-517-1715	AMD-E	98-08-086	388-521-2140	REP-P	98-13-082
388-509-0920	AMD-P	98-15-053	388-517-1715	REP-P	98-13-082	388-521-2150	REP	98-16-050
388-509-0940	REP	98-16-050	388-517-1715	AMD	98-11-073	388-521-2150	REP-P	98-13-082
388-509-0940	REP-P	98-13-082	388-517-1720	REP-P	98-08-083	388-521-2155	REP	98-16-050
388-509-0960	AMD-W	98-17-064	388-517-1720	REP-E	98-08-086	388-521-2155	REP-P	98-13-082
388-509-0960	REP	98-16-050	388-517-1720	REP	98-11-073	388-521-2160	REP	98-16-050
388-509-0960	PREP	98-07-039	388-517-1730	REP	98-16-050	388-521-2160	AMD-P	98-08-083
388-509-0960	AMD-E	98-08-085	388-517-1730	AMD-E	98-08-086	388-521-2160	AMD-E	98-08-086
388-509-0960	AMD-E	98-16-036	388-517-1730	AMD-P	98-08-083	388-521-2160	REP-P	98-13-082
388-509-0960	REP-P	98-13-082	388-517-1730	AMD	98-11-073	388-521-2160	AMD	98-11-073
388-509-0960	AMD-P	98-15-053	388-517-1730	REP-P	98-13-082	388-521-2170	REP	98-16-050
388-509-0970	REP	98-16-050	388-517-1740	REP-E	98-08-086	388-521-2170	REP-P	98-13-082
388-509-0970	REP-P	98-13-082	388-517-1740	REP-P	98-08-083	388-522	PREP	98-10-106
388-510	PREP	98-10-106	388-517-1740	REP	98-11-073	388-522-2205	REP	98-16-050
388-510-1005	NEW-P	98-08-081	388-517-1750	REP	98-16-050	388-522-2205	REP-P	98-13-082
388-510-1005	NEW-E	98-08-088	388-517-1750	AMD-P	98-08-083	388-522-2210	REP	98-16-050
388-510-1005	NEW	98-15-066	388-517-1750	AMD-E	98-08-086	388-522-2210	REP-P	98-13-082
388-510-1020	REP	98-16-050	388-517-1750	REP-P	98-13-082	388-522-2230	REP	98-16-050
388-510-1020	AMD-P	98-08-081	388-517-1750	AMD	98-11-073	388-522-2230	REP-P	98-13-082
388-510-1020	AMD-E	98-08-088	388-517-1760	REP-P	98-08-083	388-523	PREP	98-10-106
388-510-1020	AMD	98-15-066	388-517-1760	REP-E	98-08-086	388-523-0100	NEW	98-16-044
388-510-1020	REP-P	98-13-082	388-517-1760	REP	98-11-073	388-523-0100	NEW-P	98-11-084
388-510-1030	REP	98-16-050	388-517-1770	REP	98-16-050	388-523-2305	REP	98-16-050
388-510-1030	REP-P	98-13-082	388-517-1770	NEW-E	98-08-086	388-523-2305	AMD-E	98-08-088
388-511	PREP	98-10-106	388-517-1770	NEW-P	98-08-083	388-523-2305	AMD-P	98-08-081
388-511-1105	AMD	98-18-079	388-517-1770	NEW	98-11-073	388-523-2305	PREP	98-03-079
388-511-1105	AMD-P	98-15-140	388-517-1770	REP-P	98-13-082	388-523-2305	REP-P	98-13-082
388-511-1110	REP	98-16-050	388-518	PREP	98-10-106	388-523-2305	AMD	98-15-066
388-511-1110	REP-P	98-13-082	388-518-1805	REP	98-16-050	388-523-2320	REP	98-16-050
388-511-1115	REP	98-16-050	388-518-1805	REP-P	98-13-082	388-523-2320	REP-P	98-13-082
388-511-1115	REP-P	98-13-082	388-518-1810	REP	98-16-050	388-524	PREP	98-10-106
388-511-1140	REP	98-16-050	388-518-1810	REP-P	98-13-082	388-524-2405	REP	98-16-050
388-511-1140	REP-P	98-13-082	388-518-1820	REP	98-16-050	388-524-2405	REP-P	98-13-082
388-511-1150	REP	98-16-050	388-518-1820	REP-P	98-13-082	388-524-2420	REP	98-16-050
388-511-1150	REP-P	98-13-082	388-518-1830	REP	98-16-050	388-524-2420	REP-P	98-13-082
388-511-1160	REP	98-16-050	388-518-1830	REP-P	98-13-082	388-525	PREP	98-10-106

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-525-2505	REP	98-16-050	388-555-1300	NEW-E	98-07-052	391-25-190	AMD	98-14-112
388-525-2505	REP-P	98-13-082	388-555-1300	NEW-P	98-07-050	391-25-210	AMD-P	98-10-101
388-525-2520	REP	98-16-050	388-555-1300	NEW	98-15-054	391-25-210	AMD	98-14-112
388-525-2520	REP-P	98-13-082	388-555-1300	NEW-S	98-10-107	391-25-220	AMD-P	98-10-101
388-525-2570	REP	98-16-050	388-555-1350	NEW-E	98-07-052	391-25-220	AMD	98-14-112
388-525-2570	REP-P	98-13-082	388-555-1350	NEW-P	98-07-050	391-25-230	AMD-P	98-10-101
388-526	PREP	98-10-106	388-555-1350	NEW	98-15-054	391-25-230	AMD	98-14-112
388-527	PREP	98-10-106	388-555-1350	NEW-S	98-10-107	391-25-250	AMD-P	98-10-101
388-528	PREP	98-10-106	388-555-1400	NEW-P	98-07-050	391-25-250	AMD	98-14-112
388-529	PREP	98-10-106	388-555-1400	NEW-E	98-07-052	391-25-270	AMD-P	98-10-101
388-529-0100	NEW	98-16-044	388-555-1400	NEW-S	98-10-107	391-25-270	AMD	98-14-112
388-529-0100	NEW-P	98-11-084	388-555-1400	NEW	98-15-054	391-25-350	AMD-P	98-10-101
388-529-0200	NEW	98-16-044	388-555-1450	NEW	98-15-054	391-25-350	AMD	98-14-112
388-529-0200	NEW-P	98-11-084	388-555-1450	NEW-S	98-10-107	391-25-370	AMD-P	98-10-101
388-529-2910	REP	98-16-050	390-05-400	AMD	98-08-069	391-25-370	AMD	98-14-112
388-529-2910	REP-P	98-13-082	390-05-400	AMD-P	98-05-107	391-25-390	AMD-P	98-10-101
388-529-2920	REP	98-16-050	390-13-100	PREP	98-06-051	391-25-390	AMD	98-14-112
388-529-2920	REP-P	98-13-082	390-13-100	AMD-P	98-09-021	391-25-391	AMD-P	98-10-101
388-529-2930	REP	98-16-050	390-13-100	AMD	98-12-038	391-25-391	AMD	98-14-112
388-529-2930	REP-P	98-13-082	390-16-200	PREP	98-06-052	391-25-410	AMD-P	98-10-101
388-529-2960	REP	98-16-050	390-16-200	REP-P	98-09-020	391-25-410	AMD	98-14-112
388-529-2960	AMD	98-04-004	390-16-200	REP	98-12-036	391-25-450	AMD-P	98-10-101
388-529-2960	REP-P	98-13-082	390-16-207	PREP	98-06-053	391-25-450	AMD	98-14-112
388-530-1600	AMD-P	98-05-054	390-16-207	AMD-P	98-09-019	391-25-590	AMD-P	98-10-101
388-530-1600	AMD	98-14-005	390-16-207	AMD	98-12-034	391-25-590	AMD	98-14-112
388-535	PREP	98-08-074	390-17-205	REP-P	98-09-018	391-25-630	AMD-P	98-10-101
388-538	PREP	98-10-106	390-17-205	PREP	98-06-054	391-25-630	AMD	98-14-112
388-538-060	AMD	98-16-044	390-17-205	REP	98-12-035	391-25-650	AMD-P	98-10-101
388-538-060	AMD-P	98-11-084	390-17-400	PREP	98-03-072	391-25-650	AMD	98-14-112
388-538-080	AMD	98-16-044	390-17-405	PREP	98-06-055	391-25-660	NEW-P	98-10-101
388-538-080	AMD-P	98-11-084	390-17-405	AMD-P	98-09-017	391-25-660	NEW	98-14-112
388-538-095	AMD	98-16-044	390-17-405	AMD	98-12-037	391-25-670	AMD-P	98-10-101
388-538-095	AMD-P	98-11-084	391-08	PREP	98-04-049	391-25-670	AMD	98-14-112
388-538-130	AMD	98-16-044	391-08-001	AMD-P	98-10-101	391-35	PREP	98-04-049
388-538-130	AMD-P	98-11-084	391-08-001	AMD	98-14-112	391-35-030	AMD-P	98-10-101
388-540-005	AMD-P	98-02-059	391-08-100	AMD-P	98-10-101	391-35-030	AMD	98-14-112
388-540-005	AMD	98-06-025	391-08-100	AMD	98-14-112	391-35-170	AMD-P	98-10-101
388-540-030	AMD	98-06-025	391-08-120	AMD-P	98-10-101	391-35-170	AMD	98-14-112
388-540-030	AMD-P	98-02-059	391-08-120	AMD	98-14-112	391-35-190	AMD-P	98-10-101
388-540-060	AMD	98-06-025	391-08-180	AMD-P	98-10-101	391-35-190	AMD	98-14-112
388-540-060	AMD-P	98-02-059	391-08-180	AMD	98-14-112	391-35-210	AMD-P	98-10-101
388-550-5550	PREP	98-18-057	391-08-230	AMD-P	98-10-101	391-35-210	AMD	98-14-112
388-550-5550	PREP-W	98-18-098	391-08-230	AMD	98-14-112	391-35-230	REP-P	98-10-101
388-555-1000	NEW-E	98-07-052	391-08-300	AMD-P	98-10-101	391-35-230	REP	98-14-112
388-555-1000	NEW-P	98-07-050	391-08-300	AMD	98-14-112	391-35-250	AMD-P	98-10-101
388-555-1000	NEW-S	98-10-107	391-08-310	AMD-P	98-10-101	391-35-250	AMD	98-14-112
388-555-1000	NEW	98-15-054	391-08-310	AMD	98-14-112	391-45	PREP	98-04-049
388-555-1050	NEW-P	98-07-050	391-08-315	AMD-P	98-10-101	391-45-030	AMD-P	98-10-101
388-555-1050	NEW-E	98-07-052	391-08-315	AMD	98-14-112	391-45-030	AMD	98-14-112
388-555-1050	NEW	98-15-054	391-08-520	NEW-P	98-10-101	391-45-110	AMD-P	98-10-101
388-555-1050	NEW-S	98-10-107	391-08-520	NEW	98-14-112	391-45-110	AMD	98-14-112
388-555-1100	NEW-P	98-07-050	391-08-630	AMD-P	98-10-101	391-45-190	AMD-P	98-10-101
388-555-1100	NEW-E	98-07-052	391-08-630	AMD	98-14-112	391-45-190	AMD	98-14-112
388-555-1100	NEW	98-15-054	391-08-640	NEW-P	98-10-101	391-45-250	AMD-P	98-10-101
388-555-1100	NEW-S	98-10-107	391-08-640	NEW	98-14-112	391-45-250	AMD	98-14-112
388-555-1150	NEW-P	98-07-050	391-08-800	AMD-P	98-10-101	391-45-290	AMD-P	98-10-101
388-555-1150	NEW-E	98-07-052	391-08-800	AMD	98-14-112	391-45-290	AMD	98-14-112
388-555-1150	NEW	98-15-054	391-08-810	AMD-P	98-10-101	391-45-310	AMD-P	98-10-101
388-555-1150	NEW-S	98-10-107	391-08-810	AMD	98-14-112	391-45-310	AMD	98-14-112
388-555-1200	NEW-P	98-07-050	391-25	PREP	98-04-049	391-45-330	AMD-P	98-10-101
388-555-1200	NEW-E	98-07-052	391-25-050	AMD-P	98-10-101	391-45-330	AMD	98-14-112
388-555-1200	NEW	98-15-054	391-25-050	AMD	98-14-112	391-45-350	AMD-P	98-10-101
388-555-1200	NEW-S	98-10-107	391-25-090	AMD-P	98-10-101	391-45-350	AMD	98-14-112
388-555-1250	NEW-P	98-07-050	391-25-090	AMD	98-14-112	391-45-370	REP-P	98-10-101
388-555-1250	NEW-E	98-07-052	391-25-110	AMD-P	98-10-101	391-45-370	REP	98-14-112
388-555-1250	NEW-S	98-10-107	391-25-110	AMD	98-14-112	391-45-390	AMD-P	98-10-101
388-555-1250	NEW	98-15-054	391-25-190	AMD-P	98-10-101	391-45-390	AMD	98-14-112

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
391-45-430	AMD-P	98-10-101	392-122-221	AMD-P	98-18-093	392-139-176	REP	98-08-096
391-45-430	AMD	98-14-112	392-122-225	AMD-P	98-18-093	392-139-178	REP-P	98-05-040
391-55	PREP	98-04-049	392-122-235	AMD-P	98-18-093	392-139-178	REP	98-08-096
391-55-245	AMD-P	98-10-101	392-122-255	AMD-P	98-18-093	392-139-180	REP	98-08-096
391-55-245	AMD	98-14-112	392-122-270	AMD-P	98-18-093	392-139-180	REP-P	98-05-040
391-55-345	AMD-P	98-10-101	392-122-275	AMD-P	98-18-093	392-139-182	REP	98-08-096
391-55-345	AMD	98-14-112	392-126	PREP	98-05-038	392-139-182	REP-P	98-05-040
391-95	PREP	98-04-049	392-126-003	REP-P	98-16-055	392-139-184	REP	98-08-096
391-95-070	AMD-P	98-10-101	392-126-004	AMD-P	98-16-055	392-139-184	REP-P	98-05-040
391-95-070	AMD	98-14-112	392-126-006	AMD-P	98-16-055	392-139-186	REP	98-08-096
391-95-090	AMD-P	98-10-101	392-126-010	REP-P	98-16-055	392-139-186	REP-P	98-05-040
391-95-090	AMD	98-14-112	392-126-022	NEW-P	98-16-055	392-139-215	AMD	98-08-096
391-95-150	AMD-P	98-10-101	392-126-040	AMD-P	98-16-055	392-139-215	AMD-P	98-05-040
391-95-150	AMD	98-14-112	392-126-053	NEW-P	98-16-055	392-139-310	AMD	98-08-096
391-95-230	AMD-P	98-10-101	392-126-075	AMD-P	98-16-055	392-139-310	AMD-P	98-05-040
391-95-230	AMD	98-14-112	392-126-080	AMD-P	98-16-055	392-139-320	AMD	98-08-096
391-95-250	AMD-P	98-10-101	392-126-085	AMD-P	98-16-055	392-139-320	AMD-P	98-05-040
391-95-250	AMD	98-14-112	392-126-087	NEW-P	98-16-055	392-139-611	REP-P	98-05-040
391-95-260	AMD-P	98-10-101	392-126-090	AMD-P	98-16-055	392-139-611	REP	98-08-096
391-95-260	AMD	98-14-112	392-126-092	NEW-P	98-16-055	392-139-616	REP	98-08-096
391-95-270	AMD-P	98-10-101	392-134-005	AMD-W	98-04-070	392-139-616	REP-P	98-05-040
391-95-270	AMD	98-14-112	392-134-010	AMD-W	98-04-070	392-139-620	AMD	98-08-096
391-95-280	REP-P	98-10-101	392-134-020	AMD-W	98-04-070	392-139-620	AMD-P	98-05-040
391-95-280	REP	98-14-112	392-134-025	AMD-W	98-04-070	392-139-621	REP-P	98-05-040
391-95-290	AMD-P	98-10-101	392-139-007	AMD	98-08-096	392-139-621	REP	98-08-096
391-95-290	AMD	98-14-112	392-139-007	AMD-P	98-05-040	392-139-622	NEW-P	98-05-040
392-115-005	AMD	98-05-008	392-139-120	REP	98-08-096	392-139-622	NEW	98-08-096
392-115-010	AMD	98-05-008	392-139-120	REP-P	98-05-040	392-139-623	NEW	98-08-096
392-115-015	AMD	98-05-008	392-139-122	REP	98-08-096	392-139-623	NEW-P	98-05-040
392-115-020	AMD	98-05-008	392-139-122	REP-P	98-05-040	392-139-625	AMD	98-08-096
392-115-025	AMD	98-05-008	392-139-126	REP-P	98-05-040	392-139-625	AMD-P	98-05-040
392-115-045	AMD	98-05-008	392-139-126	REP	98-08-096	392-139-626	REP	98-08-096
392-115-050	AMD	98-05-008	392-139-128	REP	98-08-096	392-139-626	REP-P	98-05-040
392-115-055	AMD	98-05-008	392-139-128	REP-P	98-05-040	392-139-660	AMD	98-08-096
392-115-060	AMD	98-05-008	392-139-129	REP-P	98-05-040	392-139-660	AMD-P	98-05-040
392-115-065	AMD	98-05-008	392-139-129	REP	98-08-096	392-139-661	NEW-P	98-05-040
392-115-085	AMD	98-05-008	392-139-130	REP-P	98-05-040	392-139-661	NEW	98-08-096
392-115-090	AMD	98-05-008	392-139-130	REP	98-08-096	392-139-670	AMD	98-08-096
392-115-110	AMD	98-05-008	392-139-132	REP-P	98-05-040	392-139-670	AMD-P	98-05-040
392-115-115	AMD	98-05-008	392-139-132	REP	98-08-096	392-139-676	AMD-P	98-05-040
392-115-120	AMD	98-05-008	392-139-134	REP	98-08-096	392-139-676	AMD	98-08-096
392-115-125	AMD	98-05-008	392-139-134	REP-P	98-05-040	392-139-680	REP	98-08-096
392-115-130	AMD	98-05-008	392-139-150	REP-P	98-05-040	392-139-680	REP-P	98-05-040
392-115-151	NEW	98-05-008	392-139-150	REP	98-08-096	392-139-681	REP-P	98-05-040
392-115-155	AMD	98-05-008	392-139-152	REP	98-08-096	392-139-681	REP	98-08-096
392-121-124	NEW	98-07-060	392-139-152	REP-P	98-05-040	392-139-685	REP	98-08-096
392-121-124	NEW-P	98-03-066	392-139-154	REP	98-08-096	392-139-685	REP-P	98-05-040
392-121-138	AMD	98-07-060	392-139-154	REP-P	98-05-040	392-139-690	REP	98-08-096
392-121-138	AMD-P	98-03-066	392-139-156	REP	98-08-096	392-139-690	REP-P	98-05-040
392-121-182	AMD-W	98-04-070	392-139-156	REP-P	98-05-040	392-139-691	REP-P	98-05-040
392-121-550	NEW-P	98-16-106	392-139-158	REP	98-08-096	392-139-691	REP	98-08-096
392-121-552	NEW-P	98-16-106	392-139-158	REP-P	98-05-040	392-140-601	AMD-P	98-04-036
392-121-554	NEW-P	98-16-106	392-139-160	REP-P	98-05-040	392-140-601	AMD	98-08-013
392-121-556	NEW-P	98-16-106	392-139-160	REP	98-08-096	392-140-602	AMD	98-08-013
392-121-558	NEW-P	98-16-106	392-139-162	REP-P	98-05-040	392-140-602	AMD-P	98-04-036
392-121-560	NEW-P	98-16-106	392-139-162	REP	98-08-096	392-140-605	AMD	98-08-013
392-121-562	NEW-P	98-16-106	392-139-164	REP-P	98-05-040	392-140-605	AMD-P	98-04-036
392-121-564	NEW-P	98-16-106	392-139-164	REP	98-08-096	392-140-616	AMD-P	98-04-036
392-121-566	NEW-P	98-16-106	392-139-168	REP-P	98-05-040	392-140-616	AMD	98-08-013
392-121-568	NEW-P	98-16-106	392-139-168	REP	98-08-096	392-140-625	AMD-P	98-04-036
392-122-205	AMD-P	98-18-093	392-139-170	REP-P	98-05-040	392-140-625	AMD	98-08-013
392-122-206	AMD-P	98-18-093	392-139-170	REP	98-08-096	392-140-630	NEW-P	98-04-036
392-122-207	AMD-P	98-18-093	392-139-172	REP-P	98-05-040	392-140-630	NEW	98-08-013
392-122-208	NEW-P	98-18-093	392-139-172	REP	98-08-096	392-140-640	AMD-P	98-04-036
392-122-212	AMD-P	98-18-093	392-139-174	REP	98-08-096	392-140-640	AMD	98-08-013
392-122-213	AMD-P	98-18-093	392-139-174	REP-P	98-05-040	392-140-656	AMD-P	98-04-036
392-122-220	AMD-P	98-18-093	392-139-176	REP-P	98-05-040	392-140-656	AMD	98-08-013

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-140-660	AMD-P	98-04-036	392-140-743	NEW-P	98-03-067	399-20-100	AMD-P	98-07-033
392-140-660	AMD	98-08-013	392-140-744	NEW-P	98-03-067	399-20-110	AMD-S	98-18-019
392-140-665	AMD-P	98-04-036	392-140-744	NEW	98-07-061	399-20-120	AMD-S	98-18-019
392-140-665	AMD	98-08-013	392-140-745	NEW	98-07-061	399-20-120	AMD-P	98-07-033
392-140-675	AMD-P	98-04-036	392-140-745	NEW-P	98-03-067	399-30-010	AMD-S	98-18-019
392-140-675	AMD	98-08-013	392-140-746	NEW-P	98-03-067	399-30-020	AMD-S	98-18-019
392-140-680	AMD-P	98-04-036	392-140-746	NEW	98-07-061	399-30-020	AMD-P	98-07-033
392-140-680	AMD	98-08-013	392-140-747	NEW	98-07-061	399-30-030	AMD-S	98-18-019
392-140-685	AMD-P	98-04-036	392-140-747	NEW-P	98-03-067	399-30-030	AMD-P	98-07-033
392-140-685	AMD	98-08-013	392-140-800	NEW	98-04-080	399-30-040	AMD-S	98-18-019
392-140-700	NEW	98-07-061	392-140-802	NEW	98-04-080	399-30-042	AMD-S	98-18-019
392-140-700	NEW-P	98-03-067	392-140-804	NEW	98-04-080	399-30-045	AMD-S	98-18-019
392-140-701	NEW-P	98-03-067	392-140-806	NEW	98-04-080	399-30-045	AMD-P	98-07-033
392-140-701	NEW	98-07-061	392-140-808	NEW	98-04-080	399-30-050	AMD-S	98-18-019
392-140-702	NEW	98-07-061	392-140-810	NEW	98-04-080	399-30-060	AMD-S	98-18-019
392-140-702	NEW-P	98-03-067	392-140-812	NEW	98-04-080	399-30-060	AMD-P	98-07-033
392-140-710	NEW	98-07-061	392-140-814	NEW	98-04-080	399-30-065	AMD-S	98-18-019
392-140-710	NEW-P	98-03-067	392-140-816	NEW	98-04-080	399-30-065	AMD-P	98-07-033
392-140-711	NEW-P	98-03-067	392-140-818	NEW	98-04-080	415-108-010	AMD	98-09-059
392-140-711	NEW	98-07-061	392-140-820	NEW	98-04-080	415-108-0110	NEW	98-09-059
392-140-712	NEW-P	98-03-067	392-140-822	NEW	98-04-080	415-108-0111	NEW	98-09-059
392-140-712	NEW	98-07-061	392-140-824	NEW	98-04-080	415-108-441	NEW	98-09-059
392-140-713	NEW	98-07-061	392-140-826	NEW	98-04-080	415-108-443	NEW	98-09-059
392-140-713	NEW-P	98-03-067	392-140-828	NEW	98-04-080	415-108-445	NEW	98-09-059
392-140-714	NEW	98-07-061	392-140-830	NEW	98-04-080	415-108-450	REP	98-09-059
392-140-714	NEW-P	98-03-067	392-140-832	NEW	98-04-080	415-108-451	NEW	98-09-059
392-140-715	NEW-P	98-03-067	392-140-834	NEW	98-04-080	415-108-453	NEW	98-09-059
392-140-715	NEW	98-07-061	392-140-836	NEW	98-04-080	415-108-455	NEW	98-09-059
392-140-716	NEW-P	98-03-067	392-141	PREP	98-09-091	415-108-456	NEW	98-09-059
392-140-716	NEW	98-07-061	392-141-146	AMD	98-17-007	415-108-457	NEW	98-09-059
392-140-720	NEW-P	98-03-067	392-141-146	AMD-P	98-14-011	415-108-458	NEW	98-09-059
392-140-720	NEW	98-07-061	392-141-148	AMD	98-17-007	415-108-459	NEW	98-09-059
392-140-721	NEW-P	98-03-067	392-141-148	AMD-P	98-14-011	415-108-460	REP	98-09-059
392-140-721	NEW	98-07-061	392-141-150	AMD	98-17-007	415-108-463	NEW	98-09-059
392-140-722	NEW-P	98-03-067	392-141-150	AMD-P	98-14-011	415-108-464	NEW	98-09-059
392-140-722	NEW	98-07-061	392-141-152	NEW	98-17-007	415-108-465	NEW	98-09-059
392-140-723	NEW-P	98-03-067	392-141-152	NEW-P	98-14-011	415-108-466	NEW	98-09-059
392-140-723	NEW	98-07-061	392-141-160	AMD	98-17-007	415-108-467	NEW	98-09-059
392-140-724	NEW	98-07-061	392-141-160	AMD-P	98-14-011	415-108-468	NEW	98-09-059
392-140-724	NEW-P	98-03-067	392-170-035	AMD	98-12-002	415-108-469	NEW	98-09-059
392-140-725	NEW-P	98-03-067	392-170-036	NEW	98-12-002	415-108-475	NEW	98-09-059
392-140-725	NEW	98-07-061	392-170-037	NEW	98-12-002	415-108-477	NEW	98-09-059
392-140-726	NEW-P	98-03-067	392-170-038	NEW	98-12-002	415-108-479	NEW	98-09-059
392-140-726	NEW	98-07-061	392-170-042	NEW	98-12-002	415-108-482	NEW	98-09-059
392-140-727	NEW	98-07-061	392-170-047	NEW	98-12-002	415-108-483	NEW	98-09-059
392-140-727	NEW-P	98-03-067	392-170-050	AMD	98-12-002	415-108-484	NEW	98-09-059
392-140-728	NEW-P	98-03-067	392-170-078	NEW	98-12-002	415-108-487	NEW	98-09-059
392-140-728	NEW	98-07-061	392-170-080	AMD	98-12-002	415-108-488	NEW	98-09-059
392-140-730	NEW-P	98-03-067	392-170-090	AMD	98-12-002	415-108-490	REP	98-09-059
392-140-730	NEW	98-07-061	392-172	PREP	98-05-039	415-108-491	NEW	98-09-059
392-140-731	NEW-P	98-03-067	392-182-020	AMD	98-04-025	415-112-445	AMD	98-09-059
392-140-731	NEW	98-07-061	399-10-010	AMD-S	98-18-019	415-112-4608	AMD	98-09-059
392-140-732	NEW	98-07-061	399-10-010	AMD-P	98-07-033	415-112-4609	AMD	98-09-059
392-140-732	NEW-P	98-03-067	399-10-020	AMD-S	98-18-019	415-512-015	AMD-P	98-15-098
392-140-733	NEW	98-07-061	399-10-030	AMD-S	98-18-019	415-512-020	AMD-P	98-15-098
392-140-733	NEW-P	98-03-067	399-10-030	AMD-P	98-07-033	415-512-030	AMD-P	98-15-098
392-140-735	NEW	98-07-061	399-20-010	AMD-S	98-18-019	415-512-050	AMD-P	98-15-098
392-140-735	NEW-P	98-03-067	399-20-020	AMD-S	98-18-019	415-512-070	AMD-P	98-15-098
392-140-736	NEW-P	98-03-067	399-20-030	AMD-S	98-18-019	415-512-075	AMD-P	98-15-098
392-140-736	NEW	98-07-061	399-20-040	AMD-S	98-18-019	415-512-080	AMD-P	98-15-098
392-140-740	NEW-P	98-03-067	399-20-060	AMD-S	98-18-019	415-512-090	AMD-P	98-15-098
392-140-740	NEW	98-07-061	399-20-060	AMD-P	98-07-033	415-512-095	NEW-P	98-15-098
392-140-741	NEW-P	98-03-067	399-20-070	AMD-S	98-18-019	415-512-110	AMD-P	98-15-098
392-140-741	NEW	98-07-061	399-20-070	AMD-P	98-07-033	415-524-010	AMD-P	98-15-098
392-140-742	NEW	98-07-061	399-20-080	AMD-S	98-18-019	415-544-010	AMD-P	98-15-098
392-140-742	NEW-P	98-03-067	399-20-090	AMD-S	98-18-019	415-548-010	AMD-P	98-15-098
392-140-743	NEW	98-07-061	399-20-100	AMD-S	98-18-019	415-560-010	AMD-P	98-15-098

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-08-010	DECOD	98-08-010	434-60-280	DECOD	98-08-010	434-120-335	REP-P	98-13-098
434-08-020	DECOD	98-08-010	434-60-290	DECOD	98-08-010	434-120-340	REP	98-18-034
434-08-030	DECOD	98-08-010	434-60-300	DECOD	98-08-010	434-120-340	REP-P	98-13-098
434-08-040	DECOD	98-08-010	434-60-310	DECOD	98-08-010	434-120-350	REP	98-18-034
434-08-050	DECOD	98-08-010	434-60-320	DECOD	98-08-010	434-120-350	REP-P	98-13-098
434-08-060	DECOD	98-08-010	434-60-330	DECOD	98-08-010	434-180-130	AMD	98-16-031
434-08-070	DECOD	98-08-010	434-60-340	DECOD	98-08-010	434-180-130	AMD-P	98-13-100
434-08-080	DECOD	98-08-010	434-60-350	DECOD	98-08-010	434-180-200	AMD-P	98-13-100
434-08-090	DECOD	98-08-010	434-69-005	DECOD	98-08-010	434-180-200	AMD	98-16-031
434-24-065	DECOD	98-08-010	434-69-010	DECOD	98-08-010	434-180-203	NEW-P	98-13-100
434-26-005	DECOD	98-08-010	434-69-020	DECOD	98-08-010	434-180-203	NEW	98-16-031
434-26-010	DECOD	98-08-010	434-69-030	DECOD	98-08-010	434-180-215	AMD	98-16-031
434-26-015	DECOD	98-08-010	434-69-040	DECOD	98-08-010	434-180-215	AMD-P	98-13-100
434-26-020	DECOD	98-08-010	434-69-050	DECOD	98-08-010	434-180-235	REP	98-16-031
434-26-025	DECOD	98-08-010	434-69-060	DECOD	98-08-010	434-180-235	REP-P	98-13-100
434-26-030	DECOD	98-08-010	434-69-070	DECOD	98-08-010	434-180-240	AMD-P	98-13-100
434-26-035	DECOD	98-08-010	434-69-080	DECOD	98-08-010	434-180-240	AMD	98-16-031
434-26-040	DECOD	98-08-010	434-80-010	DECOD	98-08-010	434-180-245	AMD-P	98-13-100
434-26-045	DECOD	98-08-010	434-80-020	DECOD	98-08-010	434-180-245	AMD	98-16-031
434-26-050	DECOD	98-08-010	434-80-030	DECOD	98-08-010	434-208-010	RECOD	98-08-010
434-26-055	DECOD	98-08-010	434-80-040	DECOD	98-08-010	434-208-020	RECOD	98-08-010
434-26-060	DECOD	98-08-010	434-80-050	DECOD	98-08-010	434-208-030	RECOD	98-08-010
434-26-065	DECOD	98-08-010	434-80-060	DECOD	98-08-010	434-208-040	RECOD	98-08-010
434-26-900	DECOD	98-08-010	434-80-070	DECOD	98-08-010	434-208-050	RECOD	98-08-010
434-30-150	DECOD	98-03-033	434-81-010	DECOD	98-08-010	434-208-060	RECOD	98-08-010
434-30-150	AMD	98-03-033	434-81-020	DECOD	98-08-010	434-208-070	RECOD	98-08-010
434-32-010	DECOD	98-08-010	434-81-030	DECOD	98-08-010	434-208-080	RECOD	98-08-010
434-57-010	DECOD	98-08-010	434-81-040	DECOD	98-08-010	434-208-090	RECOD	98-08-010
434-57-020	DECOD	98-08-010	434-81-050	DECOD	98-08-010	434-230-030	AMD	98-03-033
434-57-030	DECOD	98-08-010	434-81-060	DECOD	98-08-010	434-230-150	RECOD	98-03-033
434-57-040	DECOD	98-08-010	434-81-070	DECOD	98-08-010	434-230-160	AMD	98-03-033
434-57-050	DECOD	98-08-010	434-81-080	DECOD	98-08-010	434-236-090	AMD	98-03-033
434-57-070	DECOD	98-08-010	434-81-090	DECOD	98-08-010	434-236-170	AMD	98-03-033
434-57-080	DECOD	98-08-010	434-81-100	DECOD	98-08-010	434-240-190	AMD	98-03-033
434-57-090	DECOD	98-08-010	434-91-010	DECOD	98-08-010	434-240-205	AMD-E	98-18-041
434-57-100	DECOD	98-08-010	434-91-020	DECOD	98-08-010	434-240-230	AMD	98-03-033
434-57-120	DECOD	98-08-010	434-91-030	DECOD	98-08-010	434-240-235	NEW	98-03-033
434-57-130	DECOD	98-08-010	434-91-040	DECOD	98-08-010	434-240-320	NEW	98-03-033
434-57-150	DECOD	98-08-010	434-91-050	DECOD	98-08-010	434-253-050	AMD	98-03-033
434-60-010	DECOD	98-08-010	434-91-060	DECOD	98-08-010	434-253-110	AMD	98-03-033
434-60-020	DECOD	98-08-010	434-91-070	DECOD	98-08-010	434-257-010	RECOD	98-08-010
434-60-030	DECOD	98-08-010	434-91-080	DECOD	98-08-010	434-257-020	RECOD	98-08-010
434-60-040	DECOD	98-08-010	434-91-090	DECOD	98-08-010	434-257-030	RECOD	98-08-010
434-60-050	DECOD	98-08-010	434-91-100	DECOD	98-08-010	434-257-040	RECOD	98-08-010
434-60-060	DECOD	98-08-010	434-91-110	DECOD	98-08-010	434-257-050	RECOD	98-08-010
434-60-070	DECOD	98-08-010	434-91-120	DECOD	98-08-010	434-257-070	RECOD	98-08-010
434-60-080	DECOD	98-08-010	434-91-130	DECOD	98-08-010	434-257-080	RECOD	98-08-010
434-60-090	DECOD	98-08-010	434-91-140	DECOD	98-08-010	434-257-090	RECOD	98-08-010
434-60-100	DECOD	98-08-010	434-91-150	DECOD	98-08-010	434-257-100	RECOD	98-08-010
434-60-110	DECOD	98-08-010	434-91-160	DECOD	98-08-010	434-257-120	RECOD	98-08-010
434-60-120	DECOD	98-08-010	434-91-170	DECOD	98-08-010	434-257-130	RECOD	98-08-010
434-60-130	DECOD	98-08-010	434-110-060	AMD	98-17-075	434-257-150	RECOD	98-08-010
434-60-140	DECOD	98-08-010	434-110-060	AMD-XA	98-13-099	434-260-010	RECOD	98-08-010
434-60-150	DECOD	98-08-010	434-110-060	AMD-E	98-13-042	434-260-020	RECOD	98-08-010
434-60-160	DECOD	98-08-010	434-120-300	AMD	98-18-034	434-260-030	RECOD	98-08-010
434-60-170	DECOD	98-08-010	434-120-300	AMD-P	98-13-098	434-260-040	RECOD	98-08-010
434-60-180	DECOD	98-08-010	434-120-305	AMD	98-18-034	434-260-050	RECOD	98-08-010
434-60-190	DECOD	98-08-010	434-120-305	AMD-P	98-13-098	434-260-060	RECOD	98-08-010
434-60-200	DECOD	98-08-010	434-120-310	AMD	98-18-034	434-260-070	RECOD	98-08-010
434-60-210	DECOD	98-08-010	434-120-310	AMD-P	98-13-098	434-260-080	RECOD	98-08-010
434-60-215	DECOD	98-08-010	434-120-315	REP	98-18-034	434-260-090	RECOD	98-08-010
434-60-220	DECOD	98-08-010	434-120-315	REP-P	98-13-098	434-260-100	RECOD	98-08-010
434-60-230	DECOD	98-08-010	434-120-317	REP	98-18-034	434-260-110	RECOD	98-08-010
434-60-240	DECOD	98-08-010	434-120-317	REP-P	98-13-098	434-260-120	RECOD	98-08-010
434-60-250	DECOD	98-08-010	434-120-320	AMD	98-18-034	434-260-130	RECOD	98-08-010
434-60-260	DECOD	98-08-010	434-120-320	AMD-P	98-13-098	434-260-140	RECOD	98-08-010
434-60-270	DECOD	98-08-010	434-120-335	REP	98-18-034	434-260-150	RECOD	98-08-010

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-260-160	RECOD	98-08-010	434-334-070	AMD-E	98-17-029	434-840-040	AMD-W	98-14-009
434-260-170	RECOD	98-08-010	434-334-075	AMD-E	98-17-029	434-840-050	REP-P	98-13-111
434-260-180	RECOD	98-08-010	434-334-080	DECOD-E	98-17-029	434-840-050	REP-P	98-14-006
434-260-190	RECOD	98-08-010	434-334-080	AMD-E	98-17-029	434-840-050	REP-W	98-14-009
434-260-200	RECOD	98-08-010	434-334-082	NEW-E	98-17-029	434-840-060	AMD-P	98-13-111
434-260-210	RECOD	98-08-010	434-334-085	AMD-E	98-17-029	434-840-060	AMD-P	98-14-006
434-260-215	RECOD	98-08-010	434-334-090	AMD-E	98-17-029	434-840-060	AMD-W	98-14-009
434-260-220	RECOD	98-08-010	434-334-095	AMD-E	98-17-029	434-840-070	AMD-P	98-14-006
434-260-230	RECOD	98-08-010	434-334-100	AMD-E	98-17-029	434-840-070	AMD-P	98-13-111
434-260-240	RECOD	98-08-010	434-334-105	AMD-E	98-17-029	434-840-070	AMD-W	98-14-009
434-260-250	RECOD	98-08-010	434-334-110	AMD-E	98-17-029	434-840-080	AMD-W	98-14-009
434-260-260	RECOD	98-08-010	434-334-115	REP-E	98-17-029	434-840-080	AMD-P	98-14-006
434-260-270	RECOD	98-08-010	434-334-120	RECOD-E	98-17-029	434-840-080	AMD-P	98-13-111
434-260-280	RECOD	98-08-010	434-334-125	NEW-E	98-17-029	434-840-090	REP-P	98-13-111
434-260-290	RECOD	98-08-010	434-334-130	NEW-E	98-17-029	434-840-090	REP-W	98-14-009
434-260-300	RECOD	98-08-010	434-334-135	NEW-E	98-17-029	434-840-090	REP-P	98-14-006
434-260-310	RECOD	98-08-010	434-334-140	NEW-E	98-17-029	434-840-100	AMD-P	98-14-006
434-260-320	RECOD	98-08-010	434-334-145	NEW-E	98-17-029	434-840-100	AMD-W	98-14-009
434-260-330	RECOD	98-08-010	434-334-150	NEW-E	98-17-029	434-840-100	AMD-P	98-13-111
434-260-340	RECOD	98-08-010	434-334-155	NEW-E	98-17-029	434-840-110	AMD-W	98-14-009
434-260-350	RECOD	98-08-010	434-334-160	NEW-E	98-17-029	434-840-110	AMD-P	98-14-006
434-261-005	AMD-E	98-18-041	434-334-165	NEW-E	98-17-029	434-840-110	AMD-P	98-13-111
434-261-080	AMD-E	98-18-041	434-334-170	NEW-E	98-17-029	434-840-120	REP-P	98-13-111
434-291-010	RECOD	98-08-010	434-334-175	NEW-E	98-17-029	434-840-120	REP-P	98-14-006
434-291-020	RECOD	98-08-010	434-369-005	RECOD	98-08-010	434-840-120	REP-W	98-14-009
434-291-030	RECOD	98-08-010	434-369-010	RECOD	98-08-010	434-840-130	REP-P	98-13-111
434-291-040	RECOD	98-08-010	434-369-020	RECOD	98-08-010	434-840-130	REP-W	98-14-009
434-291-050	RECOD	98-08-010	434-369-030	RECOD	98-08-010	434-840-130	REP-P	98-14-006
434-291-060	RECOD	98-08-010	434-369-040	RECOD	98-08-010	434-840-200	AMD-W	98-14-009
434-291-070	RECOD	98-08-010	434-369-050	RECOD	98-08-010	434-840-200	AMD-P	98-14-006
434-291-080	RECOD	98-08-010	434-369-060	RECOD	98-08-010	434-840-200	AMD-P	98-13-111
434-291-090	RECOD	98-08-010	434-369-070	RECOD	98-08-010	434-840-210	AMD-W	98-14-009
434-291-100	RECOD	98-08-010	434-369-080	RECOD	98-08-010	434-840-210	AMD-P	98-13-111
434-291-110	RECOD	98-08-010	434-380-010	RECOD	98-08-010	434-840-210	AMD-P	98-14-006
434-291-120	RECOD	98-08-010	434-380-020	RECOD	98-08-010	434-840-220	AMD-P	98-13-111
434-291-130	RECOD	98-08-010	434-380-030	RECOD	98-08-010	434-840-220	AMD-P	98-14-006
434-291-140	RECOD	98-08-010	434-380-040	RECOD	98-08-010	434-840-220	AMD-W	98-14-009
434-291-150	RECOD	98-08-010	434-380-050	RECOD	98-08-010	434-840-230	AMD-P	98-14-006
434-291-160	RECOD	98-08-010	434-380-060	RECOD	98-08-010	434-840-230	AMD-P	98-13-111
434-291-170	RECOD	98-08-010	434-380-070	RECOD	98-08-010	434-840-230	AMD-W	98-14-009
434-324-035	AMD	98-03-033	434-381-010	RECOD	98-08-010	434-840-240	AMD-P	98-14-006
434-324-050	AMD	98-03-033	434-381-020	RECOD	98-08-010	434-840-240	AMD-P	98-13-111
434-324-060	AMD	98-03-033	434-381-030	RECOD	98-08-010	434-840-240	AMD-W	98-14-009
434-324-065	RECOD	98-08-010	434-381-040	RECOD	98-08-010	434-840-300	REP-P	98-14-006
434-324-085	AMD	98-03-033	434-381-050	RECOD	98-08-010	434-840-300	REP-P	98-13-111
434-324-095	AMD	98-03-033	434-381-060	RECOD	98-08-010	434-840-300	REP-W	98-14-009
434-324-105	AMD	98-03-033	434-381-070	RECOD	98-08-010	434-840-310	AMD-P	98-14-006
434-324-120	AMD	98-03-033	434-381-080	RECOD	98-08-010	434-840-310	AMD-W	98-14-009
434-324-130	AMD	98-03-033	434-381-090	RECOD	98-08-010	434-840-310	AMD-P	98-13-111
434-326-005	RECOD	98-08-010	434-381-100	RECOD	98-08-010	434-840-320	AMD-P	98-13-111
434-326-010	RECOD	98-08-010	434-840-001	AMD-P	98-13-111	434-840-320	AMD-P	98-14-006
434-326-015	RECOD	98-08-010	434-840-001	AMD-W	98-14-009	434-840-320	AMD-W	98-14-009
434-326-020	RECOD	98-08-010	434-840-001	AMD-P	98-14-006	434-840-330	AMD-P	98-13-111
434-326-025	RECOD	98-08-010	434-840-005	AMD-W	98-14-009	434-840-330	AMD-W	98-14-009
434-326-030	RECOD	98-08-010	434-840-005	AMD-P	98-14-006	434-840-330	AMD-P	98-14-006
434-326-035	RECOD	98-08-010	434-840-005	AMD-P	98-13-111	434-840-340	AMD-P	98-14-006
434-326-040	RECOD	98-08-010	434-840-010	AMD-P	98-14-006	434-840-340	AMD-P	98-13-111
434-326-045	RECOD	98-08-010	434-840-010	AMD-W	98-14-009	434-840-340	AMD-W	98-14-009
434-326-050	RECOD	98-08-010	434-840-010	AMD-P	98-13-111	434-840-350	AMD-P	98-13-111
434-326-055	RECOD	98-08-010	434-840-020	AMD-P	98-14-006	434-840-350	AMD-W	98-14-009
434-326-060	RECOD	98-08-010	434-840-020	AMD-W	98-14-009	434-840-350	AMD-P	98-14-006
434-326-065	RECOD	98-08-010	434-840-020	AMD-P	98-13-111	434-840-360	AMD-P	98-14-006
434-326-900	RECOD	98-08-010	434-840-030	AMD-W	98-14-009	434-840-360	AMD-W	98-14-009
434-332-010	RECOD	98-08-010	434-840-030	AMD-P	98-13-111	434-840-360	AMD-P	98-13-111
434-334-055	AMD-E	98-17-029	434-840-030	AMD-P	98-14-006	440-26-010	AMD-P	98-17-066
434-334-063	NEW-E	98-17-029	434-840-040	AMD-P	98-13-111	440-26-010	PREP	98-09-093
434-334-065	AMD-E	98-17-029	434-840-040	AMD-P	98-14-006	440-26-210	AMD-P	98-17-066

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
440-26-210	PREP	98-09-093	460-10A-060	REP-P	98-14-074	460-18A-030	NEW	98-18-031
440-26-215	NEW-P	98-17-066	460-10A-130	REP	98-17-013	460-18A-030	NEW-P	98-15-131
440-26-215	PREP	98-09-093	460-10A-130	REP-P	98-14-074	460-18A-040	NEW	98-18-031
446-20-610	PREP	98-11-037	460-10A-160	AMD	98-17-013	460-18A-040	NEW-P	98-15-131
446-20-610	AMD-P	98-15-055	460-10A-160	AMD-P	98-14-074	460-18A-100	NEW	98-18-031
446-20-620	REP-XR	98-14-023	460-10A-180	REP	98-17-013	460-18A-100	NEW-P	98-15-131
446-65-010	AMD-XA	98-14-024	460-10A-180	REP-P	98-14-074	460-24A-110	PREP	98-15-124
446-65-010	AMD-E	98-14-022	460-10A-185	REP	98-17-013	460-24A-145	PREP	98-15-125
448-13	PREP	98-17-095	460-10A-185	REP-P	98-14-074	460-24A-220	PREP	98-15-123
456-09-310	AMD-XA	98-16-046	460-10A-190	REP	98-17-013	460-28A-015	PREP	98-15-109
456-09-320	AMD-XA	98-16-046	460-10A-190	REP-P	98-14-074	460-32A-400	AMD	98-18-033
456-09-325	AMD-XA	98-16-046	460-10A-195	REP	98-17-013	460-32A-400	PREP	98-07-101
456-09-365	AMD-XA	98-16-046	460-10A-195	REP-P	98-14-074	460-32A-400	AMD-P	98-15-111
456-09-410	AMD-XA	98-16-046	460-10A-200	REP	98-17-013	460-44A-050	AMD	98-18-032
456-09-430	AMD-XA	98-16-046	460-10A-200	REP-P	98-14-074	460-44A-050	PREP	98-07-102
456-10-310	AMD-XA	98-16-047	460-10A-205	REP	98-17-013	460-44A-050	AMD-P	98-15-110
456-10-320	AMD-XA	98-16-047	460-10A-205	REP-P	98-14-074	460-44A-100	NEW	98-17-012
456-10-325	AMD-XA	98-16-047	460-10A-210	REP	98-17-013	460-44A-100	NEW-P	98-14-073
456-10-360	AMD-XA	98-16-047	460-10A-210	REP-P	98-14-074	460-44A-110	NEW	98-17-012
456-10-410	AMD-XA	98-16-047	460-16A-020	AMD	98-17-013	460-44A-110	NEW-P	98-14-073
456-10-430	AMD-XA	98-16-047	460-16A-020	AMD-P	98-14-074	460-44A-500	AMD-P	98-08-055
456-10-570	AMD-XA	98-16-047	460-16A-035	REP	98-17-013	460-44A-500	AMD	98-11-014
458-12-245	REP-XR	98-08-018	460-16A-035	REP-P	98-14-074	460-44A-501	AMD-P	98-08-055
458-12-245	REP	98-14-027	460-16A-075	REP	98-17-013	460-44A-501	AMD	98-11-014
458-16-050	REP-XR	98-08-018	460-16A-075	REP-P	98-14-074	460-44A-502	AMD-P	98-08-055
458-16-050	REP	98-14-028	460-16A-090	REP	98-17-013	460-44A-502	AMD	98-11-014
458-16-110	AMD	98-18-006	460-16A-090	REP-P	98-14-074	460-44A-503	AMD-P	98-08-055
458-16-110	PREP	98-07-016	460-16A-095	REP	98-17-013	460-44A-503	AMD	98-11-014
458-16-110	AMD-P	98-14-084	460-16A-095	REP-P	98-14-074	460-44A-504	PREP	98-09-003
458-16-111	REP	98-18-006	460-16A-110	REP	98-17-013	460-44A-504	AMD-P	98-08-055
458-16-111	PREP	98-07-016	460-16A-110	REP-P	98-14-074	460-44A-504	AMD	98-11-014
458-16-111	REP-P	98-14-084	460-16A-111	REP	98-17-013	460-44A-506	AMD-P	98-08-055
458-16-165	AMD	98-18-006	460-16A-111	REP-P	98-14-074	460-44A-506	AMD	98-11-014
458-16-165	PREP	98-07-016	460-16A-115	AMD	98-17-013	460-44A-508	AMD-P	98-08-055
458-16-165	AMD-P	98-14-084	460-16A-115	AMD-P	98-14-074	460-44A-508	AMD	98-11-014
458-16-300	AMD	98-18-006	460-16A-120	AMD	98-17-013	460-52A-010	REP	98-17-059
458-16-300	PREP	98-07-016	460-16A-120	AMD-P	98-14-074	460-52A-010	REP-XR	98-14-071
458-16-300	AMD-P	98-14-084	460-16A-150	REP	98-17-013	460-52A-030	REP	98-17-059
458-16-310	AMD	98-18-006	460-16A-150	REP-P	98-14-074	460-52A-030	REP-XR	98-14-071
458-16-310	PREP	98-07-016	460-16A-155	REP	98-17-013	460-52A-040	REP	98-17-059
458-16-310	AMD-P	98-14-084	460-16A-155	REP-P	98-14-074	460-52A-040	REP-XR	98-14-071
458-20-104	AMD-E	98-02-046	460-16A-156	REP	98-17-013	460-52A-050	REP	98-17-059
458-20-104	AMD-XA	98-10-123	460-16A-156	REP-P	98-14-074	460-52A-050	REP-XR	98-14-071
458-20-104	AMD	98-16-019	460-16A-160	REP	98-17-013	460-52A-060	REP	98-17-059
458-20-104	AMD-E	98-11-006	460-16A-160	REP-P	98-14-074	460-52A-060	REP-XR	98-14-071
458-20-183	PREP	98-05-031	460-16A-165	REP	98-17-013	460-60A	PREP	98-14-070
458-20-192	PREP	98-07-066	460-16A-165	REP-P	98-14-074	460-60A-025	AMD-P	98-17-060
458-20-192	PREP	98-09-036	460-16A-170	REP	98-17-013	460-60A-040	REP-P	98-17-060
458-20-211	PREP	98-15-126	460-16A-170	REP-P	98-14-074	460-60A-045	REP-P	98-17-060
458-20-216	PREP	98-11-083	460-16A-175	REP	98-17-013	460-60A-050	REP-P	98-17-060
458-20-222	PREP	98-14-127	460-16A-175	REP-P	98-14-074	460-60A-055	REP-P	98-17-060
458-20-228	PREP	98-15-127	460-16A-190	REP	98-17-013	460-70-005	REP	98-17-058
458-20-229	PREP	98-15-127	460-16A-190	REP-P	98-14-074	460-70-005	REP-XR	98-14-072
458-20-255	AMD-XA	98-16-018	460-16A-205	AMD	98-17-013	460-70-010	REP	98-17-058
458-20-259	AMD	98-16-107	460-16A-205	AMD-P	98-14-074	460-70-010	REP-XR	98-14-072
458-20-259	AMD-XA	98-12-004	460-16A-210	REP	98-17-013	460-70-015	REP	98-17-058
458-20-262	NEW-P	98-16-025	460-16A-210	REP-P	98-14-074	460-70-015	REP-XR	98-14-072
458-40-660	PREP	98-05-074	460-17A-030	AMD	98-17-013	460-70-020	REP	98-17-058
458-40-660	AMD-P	98-10-124	460-17A-030	AMD-P	98-14-074	460-70-020	REP-XR	98-14-072
458-40-660	AMD	98-14-083	460-17A-040	AMD	98-17-013	460-70-025	REP	98-17-058
458-50-095	PREP	98-07-015	460-17A-040	AMD-P	98-14-074	460-70-025	REP-XR	98-14-072
458-61-090	PREP	98-18-092	460-17A-070	AMD	98-17-013	460-70-030	REP	98-17-058
460-10A-00101	AMD	98-17-013	460-17A-070	AMD-P	98-14-074	460-70-030	REP-XR	98-14-072
460-10A-00101	AMD-P	98-14-074	460-18A-010	NEW	98-18-031	460-70-035	REP	98-17-058
460-10A-050	REP	98-17-013	460-18A-010	NEW-P	98-15-131	460-70-035	REP-XR	98-14-072
460-10A-050	REP-P	98-14-074	460-18A-020	NEW	98-18-031	460-70-040	REP	98-17-058
460-10A-060	REP	98-17-013	460-18A-020	NEW-P	98-15-131	460-70-040	REP-XR	98-14-072

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
460-70-045	REP	98-17-058	468-84-220	REP	98-11-045	468-400-040	NEW-E	98-03-009
460-70-045	REP-XR	98-14-072	468-84-230	REP-P	98-07-005	468-510	PREP	98-04-044
460-70-050	REP	98-17-058	468-84-230	REP	98-11-045	468-510-010	NEW-P	98-08-030
460-70-050	REP-XR	98-14-072	468-84-240	REP-P	98-07-005	468-510-010	NEW	98-12-062
460-70-060	REP	98-17-058	468-84-240	REP	98-11-045	468-510-020	NEW-P	98-08-030
460-70-060	REP-XR	98-14-072	468-84-250	REP-P	98-07-005	468-510-020	NEW	98-12-062
463-54-070	AMD-W	98-08-092	468-84-250	REP	98-11-045	468-550-010	NEW-P	98-16-049
468-18	PREP	98-16-014	468-84-260	REP-P	98-07-005	468-550-010	NEW-E	98-15-037
468-30-030	REP	98-18-003	468-84-260	REP	98-11-045	468-550-020	NEW-P	98-16-049
468-30-030	REP-XR	98-13-060	468-84-300	REP-P	98-07-005	468-550-020	NEW-E	98-15-037
468-38-070	AMD-P	98-18-026	468-84-300	REP	98-11-045	468-550-030	NEW-P	98-16-049
468-38-070	AMD	98-09-029	468-84-310	REP-P	98-07-005	468-550-030	NEW-E	98-15-037
468-38-070	AMD-P	98-06-016	468-84-310	REP	98-11-045	468-550-040	NEW-P	98-16-049
468-38-070	PREP	98-14-045	468-84-320	REP-P	98-07-005	468-550-040	NEW-E	98-15-037
468-38-070	AMD-E	98-12-097	468-84-320	REP	98-11-045	468-550-050	NEW-P	98-16-049
468-38-071	AMD-P	98-18-026	468-85	PREP	98-03-031	468-550-050	NEW-E	98-15-037
468-38-071	AMD-E	98-12-097	468-85-010	AMD-P	98-07-006	468-550-060	NEW-P	98-16-049
468-38-110	AMD	98-16-048	468-85-010	AMD	98-11-046	468-550-060	NEW-E	98-15-037
468-38-110	AMD-P	98-10-038	468-85-015	AMD-P	98-07-006	468-550-070	NEW-P	98-16-049
468-38-110	PREP	98-06-023	468-85-015	AMD	98-11-046	468-550-070	NEW-E	98-15-037
468-38-110	AMD-S	98-13-101	468-85-110	AMD-P	98-07-006	474-10-010	NEW-P	98-14-139
468-38-120	AMD	98-16-087	468-85-110	AMD	98-11-046	474-10-020	NEW-P	98-14-139
468-38-120	AMD-E	98-08-057	468-85-120	AMD-P	98-07-006	474-10-030	NEW-P	98-14-139
468-38-120	PREP	98-08-089	468-85-120	AMD	98-11-046	474-10-040	NEW-P	98-14-139
468-38-120	AMD-P	98-12-096	468-85-130	AMD-P	98-07-006	474-10-050	NEW-P	98-14-139
468-38-160	AMD	98-16-088	468-85-130	AMD	98-11-046	474-10-060	NEW-P	98-14-139
468-38-160	AMD-E	98-09-090	468-85-210	AMD-P	98-07-006	474-10-070	NEW-P	98-14-139
468-38-160	PREP	98-10-037	468-85-210	AMD	98-11-046	474-10-080	NEW-P	98-14-139
468-38-160	AMD-P	98-14-044	468-85-220	AMD-P	98-07-006	474-10-090	NEW-P	98-14-139
468-38-260	PREP	98-04-043	468-85-220	AMD	98-11-046	474-10-100	NEW-P	98-14-139
468-38-260	AMD-P	98-08-090	468-85-230	AMD-P	98-07-006	478-160-015	AMD-P	98-05-066
468-38-260	AMD-E	98-04-045	468-85-230	AMD	98-11-046	478-160-015	AMD	98-10-048
468-38-260	AMD	98-12-063	468-85-240	AMD-P	98-07-006	478-160-095	AMD-P	98-05-066
468-51	PREP	98-07-049	468-85-240	AMD	98-11-046	478-160-095	AMD	98-10-048
468-52	PREP	98-07-048	468-85-250	AMD-P	98-07-006	478-160-110	AMD-P	98-05-066
468-54	PREP	98-05-037	468-85-250	AMD	98-11-046	478-160-110	AMD	98-10-048
468-58	PREP	98-10-089	468-85-260	REP-P	98-07-006	478-160-120	REP	98-10-048
468-72-050	PREP	98-12-095	468-85-260	REP	98-11-046	478-160-120	REP-P	98-05-066
468-82	PREP	98-03-032	468-85-270	REP-P	98-07-006	478-160-142	NEW-P	98-05-066
468-82-010	REP-P	98-07-004	468-85-270	REP	98-11-046	478-160-142	NEW	98-10-048
468-82-010	REP	98-11-044	468-85-280	REP-P	98-07-006	478-160-143	NEW-P	98-05-066
468-82-015	REP-P	98-07-004	468-85-280	REP	98-11-046	478-160-143	NEW	98-10-048
468-82-015	REP	98-11-044	468-85-290	AMD-P	98-07-006	478-160-150	AMD-P	98-05-066
468-82-110	REP-P	98-07-004	468-85-290	AMD	98-11-046	478-160-150	AMD	98-10-048
468-82-110	REP	98-11-044	468-85-310	AMD-P	98-07-006	478-160-246	AMD-P	98-05-066
468-82-120	REP-P	98-07-004	468-85-310	AMD	98-11-046	478-160-246	AMD	98-10-048
468-82-120	REP	98-11-044	468-300-010	AMD	98-08-051	478-160-270	AMD	98-10-048
468-82-200	REP-P	98-07-004	468-300-010	AMD-P	98-03-050	478-160-270	AMD-P	98-05-066
468-82-200	REP	98-11-044	468-300-020	AMD-P	98-03-050	478-160-275	AMD	98-10-048
468-84	PREP	98-03-030	468-300-020	AMD	98-08-051	478-160-275	AMD-P	98-05-066
468-84-010	REP-P	98-07-005	468-300-040	AMD-P	98-03-050	478-160-280	AMD-P	98-05-066
468-84-010	REP	98-11-045	468-300-040	AMD	98-08-051	478-160-280	AMD	98-10-048
468-84-015	REP-P	98-07-005	468-300-220	AMD-P	98-03-050	478-160-295	AMD-P	98-05-066
468-84-015	REP	98-11-045	468-300-220	AMD	98-08-051	478-160-295	AMD	98-10-048
468-84-110	REP-P	98-07-005	468-300-700	PREP	98-17-076	480-09	PREP	98-05-056
468-84-110	REP	98-11-045	468-310	PREP	98-17-036	480-09-530	NEW-P	98-15-094
468-84-120	REP-P	98-07-005	468-400-010	NEW-E	98-03-059	480-63-010	REP-XR	98-14-135
468-84-120	REP	98-11-045	468-400-010	NEW	98-06-029	480-63-020	REP-XR	98-14-135
468-84-130	REP-P	98-07-005	468-400-010	NEW-E	98-03-009	480-63-030	REP-XR	98-14-135
468-84-130	REP	98-11-045	468-400-020	NEW-E	98-03-009	480-63-040	REP-XR	98-14-135
468-84-135	REP-P	98-07-005	468-400-020	NEW-P	98-03-059	480-63-050	REP-XR	98-14-135
468-84-135	REP	98-11-045	468-400-020	NEW	98-06-029	480-63-060	REP-XR	98-14-135
468-84-200	REP-P	98-07-005	468-400-030	NEW	98-06-029	480-63-070	REP-XR	98-14-135
468-84-200	REP	98-11-045	468-400-030	NEW-P	98-03-059	480-63-080	REP-XR	98-14-135
468-84-210	REP-P	98-07-005	468-400-030	NEW-E	98-03-009	480-63-090	REP-XR	98-14-135
468-84-210	REP	98-11-045	468-400-040	NEW-P	98-03-059	480-80-330	AMD	98-04-028
468-84-220	REP-P	98-07-005	468-400-040	NEW	98-06-029	480-92	PREP	98-06-050

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-93-010	PREP	98-16-011	490-100-170	REP-P	98-17-052	516-56-090	REP-P	98-05-048
480-95-010	REP-XR	98-14-136	490-100-180	REP-P	98-17-052	516-56-090	REP	98-14-051
480-95-020	REP-XR	98-14-136	490-100-190	REP-P	98-17-052			
480-95-030	REP-XR	98-14-136	490-100-200	REP-P	98-17-052			
480-95-040	REP-XR	98-14-136	490-100-205	REP-P	98-17-052			
480-95-050	REP-XR	98-14-136	490-100-208	REP-P	98-17-052			
480-95-060	REP-XR	98-14-136	490-100-210	REP-P	98-17-052			
480-95-070	REP-XR	98-14-136	490-100-220	REP-P	98-17-052			
480-95-080	REP-XR	98-14-136	490-100-230	REP-P	98-17-052			
480-95-090	REP-XR	98-14-136	490-100-240	REP-P	98-17-052			
480-95-100	REP-XR	98-14-136	490-100-250	REP-P	98-17-052			
480-95-110	REP-XR	98-14-136	490-105-010	NEW-P	98-17-052			
480-95-120	REP-XR	98-14-136	490-105-020	NEW-P	98-17-052			
480-95-125	REP-XR	98-14-136	490-105-030	NEW-P	98-17-052			
480-110	PREP	98-05-056	490-105-040	NEW-P	98-17-052			
480-120-021	AMD-P	98-17-068	490-105-050	NEW-P	98-17-052			
480-120-027	AMD	98-04-028	490-105-060	NEW-P	98-17-052			
480-120-045	NEW-P	98-03-011	490-105-070	NEW-P	98-17-052			
480-120-045	NEW-S	98-12-071	490-105-080	NEW-P	98-17-052			
480-120-137	REP-P	98-17-068	490-105-090	NEW-P	98-17-052			
480-120-138	AMD-P	98-17-068	490-105-100	NEW-P	98-17-052			
480-120-141	AMD-P	98-17-068	490-105-110	NEW-P	98-17-052			
480-120-142	REP-P	98-17-068	490-105-120	NEW-P	98-17-052			
480-120-143	REP-P	98-17-068	490-105-130	NEW-P	98-17-052			
480-120-144	NEW-P	98-18-107	490-105-140	NEW-P	98-17-052			
480-120-151	NEW-P	98-18-107	490-105-150	NEW-P	98-17-052			
480-120-152	NEW-P	98-18-107	490-105-160	NEW-P	98-17-052			
480-120-153	NEW-P	98-18-107	490-105-170	NEW-P	98-17-052			
480-120-154	NEW-P	98-18-107	490-105-180	NEW-P	98-17-052			
480-120-400	REP-S	98-12-071	490-105-190	NEW-P	98-17-052			
480-120-405	REP-S	98-12-071	490-105-200	NEW-P	98-17-052			
480-120-410	REP-S	98-12-071	490-105-210	NEW-P	98-17-052			
480-120-415	REP-S	98-12-071	490-105-220	NEW-P	98-17-052			
480-120-420	REP-S	98-12-071	490-105-230	NEW-P	98-17-052			
480-120-425	REP-S	98-12-071	495D-104-010	AMD-P	98-06-020			
480-120-430	REP-S	98-12-071	495D-104-010	AMD	98-09-031			
480-120-435	REP-S	98-12-071	495E-104-010	REP	98-02-037			
480-120-540	NEW-P	98-11-082	516-56-001	AMD-P	98-05-048			
480-121-040	PREP	98-05-055	516-56-001	AMD	98-14-051			
480-122-020	AMD	98-18-106	516-56-002	REP-P	98-05-048			
480-122-020	PREP	98-09-033	516-56-002	REP	98-14-051			
480-122-020	AMD-P	98-12-070	516-56-010	REP-P	98-05-048			
480-122-070	AMD	98-18-106	516-56-010	REP	98-14-051			
480-122-070	AMD-P	98-12-070	516-56-011	REP-P	98-05-048			
480-123-010	NEW	98-04-028	516-56-011	REP	98-14-051			
480-143	PREP	98-14-137	516-56-012	REP-P	98-05-048			
480-146	PREP	98-14-138	516-56-012	REP	98-14-051			
490-100	PREP	98-14-088	516-56-020	REP-P	98-05-048			
490-100-010	REP-P	98-17-052	516-56-020	REP	98-14-051			
490-100-015	REP-P	98-17-052	516-56-021	REP-P	98-05-048			
490-100-030	REP-P	98-17-052	516-56-021	REP	98-14-051			
490-100-035	REP-P	98-17-052	516-56-022	REP-P	98-05-048			
490-100-040	REP-P	98-17-052	516-56-022	REP	98-14-051			
490-100-050	REP-P	98-17-052	516-56-023	REP-P	98-05-048			
490-100-060	REP-P	98-17-052	516-56-023	REP	98-14-051			
490-100-070	REP-P	98-17-052	516-56-030	REP-P	98-05-048			
490-100-080	REP-P	98-17-052	516-56-030	REP	98-14-051			
490-100-090	REP-P	98-17-052	516-56-040	REP-P	98-05-048			
490-100-100	REP-P	98-17-052	516-56-040	REP	98-14-051			
490-100-105	REP-P	98-17-052	516-56-050	REP-P	98-05-048			
490-100-110	REP-P	98-17-052	516-56-050	REP	98-14-051			
490-100-120	REP-P	98-17-052	516-56-060	REP-P	98-05-048			
490-100-130	REP-P	98-17-052	516-56-060	REP	98-14-051			
490-100-135	REP-P	98-17-052	516-56-070	REP-P	98-05-048			
490-100-140	REP-P	98-17-052	516-56-070	REP	98-14-051			
490-100-150	REP-P	98-17-052	516-56-080	REP-P	98-05-048			
490-100-160	REP-P	98-17-052	516-56-080	REP	98-14-051			

TABLE

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 PROP 98-05-104
 PROP 98-09-104
 PERM 98-14-036
 scrapie control PREP 98-08-023
 Apple advertising commission
 assessments PREP 98-06-083
 PROP 98-13-121
 PERM 98-18-060
 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 PROP 98-08-099
 PROP 98-12-017
 PERM 98-16-081
 Barley commission
 meetings MISC 98-02-042
 MISC 98-06-021

Beef commission
 meetings MISC 98-03-007
 MISC 98-14-067
 MISC 98-18-030
 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
 violations, penalty assessments PERM 98-02-023
 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
 PERM 98-14-108
 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
 meetings MISC 98-01-122
 Hops
 bales and tares **PREP 98-18-044**
 rootstock certification PROP 98-06-082
 PERM 98-09-049
 Integrated pest management, interagency
 coordinating committee meetings MISC 98-06-081

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Livestock identification program	PREP 98-08-034		PERM 98-12-031
	PROP 98-15-157		PERM 98-12-032
	PROP 98-18-043	garlic seed	
Meat		certification	EXRE 98-07-108
custom slaughter and facilities	PREP 98-15-067		EXAD 98-07-109
Milk and milk products			PERM 98-11-048
butterfat testing	PREP 98-04-075	Semen, commercial production	EXRE 98-08-080
Noxious weed control board meetings			PERM 98-13-118
	MISC 98-03-010	Turf grass commission	
	MISC 98-04-042	creation	PREP 98-07-098
	MISC 98-18-025	Weights and measures	
noxious weed list	PREP 98-04-077	liquefied petroleum gas	PREP 98-07-067
	PROP 98-08-109		PROP 98-10-119
	PREP 98-12-069		PERM 98-13-073
	PERM 98-13-008	metrology laboratory fees	PREP 98-06-096
penalty schedule	PREP 98-12-069		PROP 98-09-099
purple nutsedge quarantine	PREP 98-11-100		PERM 98-12-030
yellow nutsedge quarantine	PERM 98-01-056	motor and heating fuel pricing	PREP 98-07-068
	EMER 98-01-057		PROP 98-10-120
Organic food			PERM 98-13-074
crop production standards	PREP 98-16-016	national handbooks,	
materials' registration	PREP 98-16-015	adoption	PREP 98-07-069
processor certification	PERM 98-01-221		PROP 98-10-118
Pesticide registration, commission on meetings		national type evaluation program	PERM 98-13-072
	MISC 98-01-063		PERM 98-01-014
	MISC 98-05-033		
Pesticides		ARTS COMMISSION	
aerial applicators alliance,		Meetings	MISC 98-01-061
appeal	MISC 98-13-047		MISC 98-07-010
	MISC 98-15-099		MISC 98-13-014
strychnine formulations,		Practice and procedure	MISC 98-15-049
restrictions	PREP 98-07-003		PREP 98-09-082
	PROP 98-10-069		
	PERM 98-15-026	ASIAN PACIFIC AMERICAN AFFAIRS,	
Plant pests		COMMISSION ON	
definitions and inspection		Meetings	MISC 98-01-097
procedures	PREP 98-05-105		MISC 98-12-029
	PROP 98-13-129		
	PERM 98-17-069	ATTORNEY GENERAL'S OFFICE	
chrysanthemum white rust		Charitable trusts, registration	EXRE 98-07-053
disease quarantine	PREP 98-07-107		PERM 98-13-046
	PROP 98-10-115	Notice of request for opinion	MISC 98-03-002
	PROP 98-13-127		MISC 98-05-072
	PROP 98-13-128		MISC 98-07-044
Quarantine			MISC 98-07-045
apple maggot	PREP 98-04-078	Opinions	MISC 98-10-051
	PROP 98-08-108	air pollution control authorities,	MISC 98-12-024
chrysanthemum white rust disease	PREP 98-07-107	members (1998, No. 7)	MISC 98-13-130
	PROP 98-10-115	code cities, elections (1998, No. 10)	MISC 98-15-095
	PROP 98-13-127	code cities, LEOFF disability	
	PROP 98-13-128	board chair (1998, No. 9)	MISC 98-17-093
purple nutsedge	PREP 98-11-100	community college presidents, salaries	
yellow nutsedge	PERM 98-01-056	(1998, No. 1)	MISC 98-05-075
	EMER 98-01-057	Growth Management Act, platting and	
Red raspberry commission		subdivisions (1998, No. 4)	MISC 98-08-015
grades and standards	PREP 98-13-120	inspection and copying of agency	
marketing order	PREP 98-13-120	lists of individuals (1998, No. 2)	MISC 98-05-076
	PROP 98-16-080	major parties, officers and	
meetings	MISC 98-01-173	duties (1997, No. 8)	MISC 98-01-049
	MISC 98-09-027	private school employees,	
Refrigerated locker establishments		background checks (1998, No. 8)	MISC 98-17-092
recording thermometers	PREP 98-02-013	public transportation benefit	
Return to work initiative	PROP 98-09-067	area project contracts (1998, No. 3)	MISC 98-05-077
Rules agenda	MISC 98-03-087	state treasurer, deposit and transfer of funds	
	MISC 98-09-121	(1998, No. 5)	MISC 98-08-016
	MISC 98-16-045	superintendent of public instruction, duties	
Seed potatoes		(1998, No. 6)	MISC 98-08-017
Whatcom County isolation district	EXAD 98-05-106	Public records, availability	PERM 98-01-013
	PERM 98-09-071		
Seeds			
certification fees	PREP 98-06-093		
	PREP 98-06-094		
	PROP 98-09-100		
	PROP 98-09-101		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

BATES TECHNICAL COLLEGE			CODE REVISER'S OFFICE		
Meetings	MISC	98-12-100	Expedited appeals, filing	EXAD	98-09-083
	MISC	98-15-050		PERM	98-14-048
BELLEVUE COMMUNITY COLLEGE			Quarterly reports		
Tuition and fee waivers	PERM	98-03-044	97-19 - 97-24 See Issue 98-02		
			98-01 - 98-06 See Issue 98-08		
			98-07 - 98-12 See Issue 98-15		
BELLINGHAM TECHNICAL COLLEGE			COLUMBIA RIVER GORGE COMMISSION		
Meetings	MISC	98-01-003	Practice and procedure	PROP	98-09-069
	MISC	98-02-044	Public records, availability	PROP	98-09-069
	MISC	98-04-074			
	MISC	98-06-085	COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR		
	MISC	98-08-095	Capital projects and		
	MISC	98-10-023	acquisition of realty	PROP	98-06-073
	MISC	98-11-004		PROP	98-07-059
	MISC	98-11-021		PERM	98-15-010
	MISC	98-11-042	Courses utilizing supplemental funding,		
	MISC	98-13-031	charges	PROP	98-10-044
Rules coordinator	MISC	98-15-059	Employees		
	MISC	98-16-070	definitions	PROP	98-10-113
	MISC	98-01-002	political activity participation	PROP	98-10-114
BENTON COUNTY CLEAN AIR AUTHORITY			reduction in force	PERM	98-15-006
Meetings	MISC	98-05-016	Exceptional faculty awards program	EXRE	98-18-063
				PROP	98-10-046
BLIND, DEPARTMENT OF SERVICES FOR THE			Financial aid fund	PERM	98-15-007
Vocational rehabilitation	PREP	98-15-048		PROP	98-06-074
				PROP	98-07-059
				PERM	98-15-012
BOILER RULES, BOARD OF			General educational development		
(See LABOR AND INDUSTRIES, DEPARTMENT OF)			(GED) test	PROP	98-10-045
				PERM	98-15-008
BUILDING CODE COUNCIL			Interdistrict programs	PROP	98-10-112
Building code			Organization and operation	PROP	98-06-071
1997 edition	PERM	98-02-054		PROP	98-07-059
allowable shear tables	PREP	98-14-125		PROP	98-10-074
	PROP	98-16-065		PROP	98-10-111
amendments, policies and procedures for	PREP	98-13-052		PERM	98-15-002
	PROP	98-15-150		PROP	98-10-043
Energy code			Project even start	PERM	98-15-003
economizer cycle	PREP	98-14-110		PROP	98-10-111
	EMER	98-15-080	Public records, availability	PROP	98-10-111
	PROP	98-16-066	Resident student, definition	PROP	98-06-069
review and update	PERM	98-02-053		PROP	98-07-059
	PERM	98-03-003		PERM	98-15-011
	PROP	98-05-064	Running start program	PROP	98-06-070
	PROP	98-05-065		PROP	98-07-059
Fire code				PERM	98-15-009
1997 edition	PERM	98-02-056		EMER	98-01-108
Meetings	MISC	98-03-037	TIAA/CREF retirement plan	PROP	98-06-075
Plumbing code				PROP	98-08-028
1997 edition	PERM	98-02-055		EMER	98-09-044
Policies and procedures	PERM	98-02-048		PERM	98-14-033
Public records	PERM	98-02-049	Tuition and fees	PROP	98-06-072
Temporary worker housing				PROP	98-07-059
code exemptions	PREP	98-13-051		PROP	98-10-047
	PROP	98-15-151		EXAD	98-18-064
Ventilation and indoor air quality	PERM	98-02-047			
CASCADIA COMMUNITY COLLEGE			COMMUNITY ECONOMIC REVITALIZATION BOARD		
Meetings	MISC	98-01-076	(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)		
CENTRAL WASHINGTON UNIVERSITY			COMMUNITY, TRADE AND ECONOMIC DEVELOP- MENT, DEPARTMENT OF		
Meetings	MISC	98-06-032	Archaeology and historic		
	MISC	98-15-064	preservation public records	PERM	98-05-027
Parking and traffic	PREP	98-16-082	Building permit charges and fees	PROP	98-09-096
				PROP	98-14-069
CENTRALIA COLLEGE			Community economic revitalization board		
Meetings	MISC	98-01-086	meetings	MISC	98-07-030
	MISC	98-17-077		MISC	98-09-037
CLARK COLLEGE				MISC	98-13-002
Discrimination or harassment				MISC	98-17-001
grievance procedure	PREP	98-09-032			
	PROP	98-15-023			
Meetings	MISC	98-01-172			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Energy office			EASTERN WASHINGTON UNIVERSITY	
public disclosure	PERM	98-05-027	Meetings	MISC 98-02-043
receipt of funds	EXRE	98-17-034		MISC 98-03-063
Growth management				MISC 98-05-067
project consistency analysis				MISC 98-06-033
criteria	PREP	98-01-133		MISC 98-08-056
Historic registers,				MISC 98-10-077
application process	PREP	98-12-098		MISC 98-11-053
Housing assistance				MISC 98-14-026
local Section 8 payments program	PERM	98-05-027		MISC 98-15-147
Long-term care ombudsman program	PREP	98-09-081		MISC 98-18-007
	PREP	98-11-018		
Low-income home energy			ECOLOGY, DEPARTMENT OF	
assistance program	MISC	98-11-029	Agricultural burning	
Procedures	PREP	98-15-118	grass seed fields	PREP 98-01-182
	PREP	98-15-119		PROP 98-08-079
Public records	PERM	98-05-027		PERM 98-12-016
	PREP	98-15-120		
Public works board			Air quality	
meetings	MISC	98-01-058	aluminum smelters, emissions	PREP 98-10-090
	MISC	98-01-059	federal requirements, incorporation	EXAD 98-10-034
	MISC	98-05-009		PERM 98-15-129
	MISC	98-05-010	gasoline vapor recovery	PERM 98-01-184
	MISC	98-07-027	municipal waste combustor emissions	MISC 98-17-061
	MISC	98-16-017	new source review program	PERM 98-01-183
rules review	PROP	98-07-033		MISC 98-15-128
	PROP	98-18-019	ozone and particulate matter standards	MISC 98-12-101
Rules coordinator	MISC	98-01-143	Washington State University	
	MISC	98-16-003	waste incinerator	MISC 98-12-057
			Biosolids management	PERM 98-05-101
				MISC 98-08-050
CONSERVATION COMMISSION			Cargo and passenger vessel inspection	
Meetings	MISC	98-09-026	advisory council	
			meetings	MISC 98-18-035
CONVENTION AND TRADE CENTER			Columbia River Gorge National Scenic Area	
Meetings	MISC	98-01-041	forest practice rules	EXAD 98-03-071
	MISC	98-03-015		PERM 98-08-058
	MISC	98-06-017	Contaminated sites	
	MISC	98-07-043	public participation grants	MISC 98-13-113
	MISC	98-09-006		MISC 98-13-114
	MISC	98-09-030	Dangerous waste	
	MISC	98-11-043	regulations update	PERM 98-03-018
	MISC	98-13-061		PROP 98-05-062
	MISC	98-15-057	Fertilizers	
	MISC	98-15-116	review process for registration	MISC 98-15-156
	MISC	98-16-043	Forest practices to protect water quality	
				EXAD 98-01-219
CORRECTIONS, DEPARTMENT OF				PROP 98-04-021
Correctional industries board				PROP 98-04-069
meetings	MISC	98-11-016		PERM 98-07-026
	MISC	98-17-021		EMER 98-07-103
	MISC	98-17-022		EMER 98-13-083
Jails				PROP 98-13-115
communicable disease information	PROP	98-02-074		PREP 98-16-084
	PERM	98-15-084		PROP 98-17-073
	PROP	98-15-117		
Prisons			Landfills	
discipline	PROP	98-01-152	emission guidelines	PREP 98-06-090
	PERM	98-04-086		PROP 98-09-097
				PERM 98-03-073
COUNTY ROAD ADMINISTRATION BOARD			Marine safety	
Meetings	MISC	98-01-004	Marine spill response	
	MISC	98-02-022	tank barges	MISC 98-09-013
	MISC	98-06-011	Perchloroethylene dry cleaning systems	PERM 98-04-061
	MISC	98-10-075		EXAD 98-04-062
	MISC	98-16-013		EXAD 98-11-099
Practice and procedure	PROP	98-17-051		PERM 98-16-052
Rules coordinator	MISC	98-01-010	Public records, availability	
Rural arterial program	PROP	98-05-036	Resource damage assessment	
	PROP	98-06-044	committee	MISC 98-03-060
	PROP	98-06-045	Resource discharge permittee	PERM 98-03-046
	PERM	98-09-070	Rules agenda	MISC 98-04-051
	PROP	98-17-051		MISC 98-16-076
				MISC 98-18-102
CRIMINAL JUSTICE TRAINING COMMISSION			Shoreline Management Act	
Meetings	MISC	98-03-064	lakes constituting shorelines,	
			designation	PERM 98-09-098
			Spill prevention, preparedness, and	
			response merger evaluation	

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

State Environmental Policy Act (SEPA), compliance requirements	EXAD 98-01-085 PERM 98-06-092 PREP 98-12-092	EDUCATION, STATE BOARD OF Administrators certification	PERM 98-01-029 PROP 98-01-201 PREP 98-04-087 PERM 98-05-022 PROP 98-10-102 PERM 98-15-027 PREP 98-16-096 PROP 98-01-196 PERM 98-05-021
model ordinance			
Stormwater permit for construction activities	MISC 98-06-091		
Underground storage tanks fees	EXAD 98-10-091 PERM 98-15-069	Appeals procedures Central purchasing	
Waste reduction and recycling used oil recycling	MISC 98-01-181	Certification test criteria unprofessional conduct	PREP 98-06-030 PREP 98-08-038
vehicle battery recycling	MISC 98-01-181	Definitions high school credit impact on student learning	PREP 98-06-028 PERM 98-01-025
waste tire carriers and storage sites	MISC 98-01-181	Early childhood education subject area endorsement	PROP 98-01-203 PERM 98-05-023 PROP 98-01-195 PERM 98-05-003
Water forest practices to protect water quality	EXAD 98-01-219 PROP 98-04-021 PROP 98-04-069 PERM 98-07-026 EMER 98-07-103 EMER 98-13-083 PROP 98-13-115 PREP 98-17-085	Educational service districts	
sediment criteria	EXRE 98-08-060	Educational staff associates certification	PERM 98-01-029 PROP 98-01-201 PROP 98-10-103 PERM 98-15-028 PROP 98-04-089 PERM 98-08-068
sewage discharge into Lake Washington	PERM 98-13-050	exchange permits	
Snohomish County ground water management plan	MISC 98-15-021	Funding of schools state support	PREP 98-01-099 PROP 98-04-088 PERM 98-08-039 PREP 98-16-098
wastewater discharge from boatyards	MISC 98-01-098	High schools credit, definition graduation requirements	PREP 98-06-028 PROP 98-01-198 PERM 98-05-005 PREP 98-16-097 MISC 98-05-013 MISC 98-13-076 MISC 98-15-072 PROP 98-01-200 PERM 98-05-007
wastewater discharge permit fee	PERM 98-03-046	Marketing education Meetings	
wastewater treatment plants operator certification	PREP 98-18-074	Preschool accreditation	
water pollution control revolving fund	PREP 98-12-044	Principals certification initial endorsement experience requirement	PERM 98-01-030 PREP 98-04-087 PROP 98-10-102 PERM 98-01-023
water quality program interpretive statement	MISC 98-18-075	internships	
Water conservancy boards operating procedures	PREP 98-15-105	Private schools definitions	PREP 98-10-024
Water rights application processing	EMER 98-04-018 PROP 98-04-019 PERM 98-06-042 MISC 98-18-076 PREP 98-18-103 PERM 98-08-062	Pupils uniform entry qualifications	PROP 98-01-197 PERM 98-05-004 PROP 98-01-194 PERM 98-05-002 PREP 98-16-094
Columbia River withdrawals		Real property sales contracts	
Wells construction and maintenance standards	PROP 98-04-020 PERM 98-08-032 EXRE 98-08-061 PROP 98-08-093 EMER 98-10-033 PERM 98-13-112 EXAD 98-14-075 PERM 98-18-104	Rules review	
contractor and operator licensing	PROP 98-04-020 PERM 98-08-031 PROP 98-08-093	School nurses, therapists, and speech-language pathologists or audiologists certification	PERM 98-01-027
Yard waste Green Mulch facilities	MISC 98-08-059	School plant facilities construction funding	EMER 98-16-005 PREP 98-16-095 PREP 98-06-001 PREP 98-06-003 PREP 98-06-004 PREP 98-06-005 PREP 98-06-006 PREP 98-06-007 PREP 98-06-008 PROP 98-14-144 PROP 98-14-145 PROP 98-14-146 PROP 98-14-147 PROP 98-14-148
ECONOMIC DEVELOPMENT FINANCE AUTHORITY		state assistance	
Meetings	MISC 98-02-035		
EDMONDS COMMUNITY COLLEGE			
Meetings	MISC 98-01-001 MISC 98-01-008 MISC 98-01-044 MISC 98-02-034 MISC 98-05-019 MISC 98-06-063 MISC 98-09-010 MISC 98-09-034 MISC 98-10-078 MISC 98-13-032 MISC 98-14-025 MISC 98-15-020 MISC 98-16-056		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

State Environmental Policy Act (SEPA) compliance	EXRE 98-14-015 PERM 98-18-015	Columbia River below Bonneville	EMER 98-08-020 EMER 98-08-046 EMER 98-16-077 EMER 98-18-029
Travel regulations	EXRE 98-14-065 PERM 98-18-018	commercial troll	EMER 98-10-031 EMER 98-11-020 EMER 98-11-085 EMER 98-12-076 PREP 98-07-091 PROP 98-10-100 PROP 98-14-096 PROP 98-17-098 EMER 98-16-009 EMER 98-18-013 EMER 98-18-048
FIRE PROTECTION POLICY BOARD (See WASHINGTON STATE PATROL)		license buyback	
FISH AND WILDLIFE, DEPARTMENT OF		Puget Sound	
Aquatic nuisance species		sea cucumbers	
green crab control and monitoring management plan	PREP 98-17-088 MISC 98-11-104	areas and seasons	EMER 98-14-002 EMER 98-15-122 EMER 98-16-020 EMER 98-16-041
Fish and wildlife commission commissioners, abstention requirements	PREP 98-07-017 PROP 98-10-098 PERM 98-14-013 MISC 98-11-055 MISC 98-17-025 MISC 98-18-020	sea urchins	
meetings		areas and seasons	EMER 98-01-066 EMER 98-01-150 EMER 98-02-001 EMER 98-02-041 EMER 98-03-058 EMER 98-03-001 EMER 98-04-010 EMER 98-04-035 EMER 98-05-045
<u>Fishing, commercial</u>		shellfish	
anchovies		aquaculture products, transfer	EMER 98-14-095 EMER 98-15-051 EMER 98-15-107 EMER 98-07-055
areas and seasons	EMER 98-14-019 PROP 98-09-087 EMER 98-14-020 PERM 98-14-091 EMER 98-14-093	razor clams	
beam trawl and otter trawl logbooks		shrimp	
		coastal waters	EMER 98-09-002 EMER 98-09-050 PROP 98-09-088 EMER 98-10-032 EMER 98-10-058 EMER 98-10-096 EMER 98-11-007 EMER 98-11-105 EMER 98-13-016 EMER 98-15-030 EMER 98-15-046 PREP 98-17-086 PREP 98-06-065
bottomfish		emerging commercial fishery	
coastal bottomfish			
catch limits	EMER 98-02-019 EXAD 98-09-080 EMER 98-10-059 EMER 98-14-094 PERM 98-15-033 EMER 98-18-012 EMER 98-18-050 PERM 98-05-043	licenses	
conservation		smelt	
Puget Sound bottomfish		areas and seasons	EMER 98-04-067 EMER 98-05-014
catch limits	EMER 98-02-033 EMER 98-02-039 EMER 98-01-110	sturgeon	
trawl seasons		areas and seasons	EMER 98-04-006 EMER 98-05-014 EMER 98-08-027
cod		<u>Fishing, personal use</u>	
commercial purchasers, duties	EMER 98-01-110	bottomfish	
conservation areas	PROP 98-09-089 PERM 98-15-031	otter trawl seasons	EMER 98-17-006 EMER 98-01-204 PROP 98-09-086 EMER 98-14-014 PERM 98-15-032 EMER 98-13-005 PROP 98-09-089
crab fishery		possession limits	
seasons, areas, and gear	EMER 98-01-074 EMER 98-02-002 EMER 98-04-034 EMER 98-05-025 EMER 98-07-054 PREP 98-09-122 PREP 98-14-018 EMER 98-14-021 EMER 98-14-038 EMER 98-14-064 PROP 98-14-132 PREP 98-17-087 EMER 98-18-084	Bridgeport fishing derby	
conservation areas		conservation areas	
herring		crab	
areas and seasons	EMER 98-08-045 EMER 98-14-019 PERM 98-02-018 PREP 98-06-065 PERM 98-02-017	areas and seasons	EMER 98-10-097 EMER 98-12-075 EMER 98-12-077 EMER 98-13-017 EMER 98-15-001 EMER 98-15-060 EMER 98-17-010 EMER 98-18-001
licenses			
lingcod areas and seasons			
sale of eggs and carcasses			
salmon			
annual harvest	PREP 98-06-058 PROP 98-11-086 PERM 98-15-081 EMER 98-04-056 EMER 98-04-068 EMER 98-07-057 EMER 98-18-023		
Columbia River above Bonneville			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

European green crab	EMER	98-15-052	areas and seasons	EMER	98-09-005
game fish seasons and catch limits				EMER	98-10-030
Bogachiel River	EMER	98-10-061		EMER	98-10-060
Calawah River	EMER	98-10-061		EMER	98-15-015
Chehalis River	EMER	98-10-061		EMER	98-16-039
Clearwater River	EMER	98-10-061		EMER	98-16-083
Cloquallum Creek	EMER	98-06-035		EMER	98-17-011
Coffee Pot Lake	EMER	98-06-059		EMER	98-17-055
Columbia River	EMER	98-06-038		EMER	98-17-056
	EMER	98-06-041		EMER	98-17-057
	EMER	98-07-031		EMER	98-17-090
Cowlitz River	EMER	98-06-037		EMER	98-18-011
	EMER	98-14-047		EMER	98-18-085
Deschutes River	EMER	98-10-060	searun fish, definition	EMER	98-01-073
	EMER	98-17-002	shellfish		
	EMER	98-10-061	areas and seasons		
Dickey River	EMER	98-06-035	native clams	EMER	98-03-070
Elk River	EMER	98-06-041		EMER	98-09-015
Entiat River	EMER	98-07-031		EMER	98-14-092
exceptions to state-wide rules	EMER	98-01-073		EMER	98-15-091
	EMER	98-06-040	oysters	EMER	98-03-070
	EMER	98-06-060		EMER	98-15-091
	EMER	98-07-012		EMER	98-17-053
	EMER	98-07-056	razor clams	EMER	98-05-034
Hoh River	EMER	98-11-019		EMER	98-09-028
	EMER	98-06-036		EMER	98-09-095
	EMER	98-10-061	shrimp	EMER	98-09-014
Hoquiam River	EMER	98-06-035	shad		
Humptulips River	EMER	98-06-035	areas and seasons	EMER	98-06-039
Icicle River	EMER	98-06-041		EMER	98-07-011
	EMER	98-07-031	shrimp		
	EMER	98-11-040	areas and seasons	EMER	98-10-097
	EMER	98-12-059		EMER	98-11-087
Johns River	EMER	98-06-035		EMER	98-12-075
Kalama River	EMER	98-06-037		EMER	98-13-017
	EMER	98-14-047		EMER	98-17-005
Klickitat River	EMER	98-12-060		EMER	98-17-054
Lewis River	EMER	98-06-037	smelt		
	EMER	98-12-085	areas and seasons	EMER	98-04-055
	EMER	98-17-002	sport fishing rules	PROP	98-01-007
Methow River	EMER	98-06-041		PERM	98-06-031
	EMER	98-07-031		PROP	98-11-049
Naselle River	EMER	98-17-002	steelhead		
Okanogan River	EMER	98-06-041	areas and seasons	EMER	98-02-040
	EMER	98-07-031		EMER	98-03-057
Quillayute River	EMER	98-10-061		EMER	98-05-011
Samish River	EMER	98-10-060		EMER	98-10-030
Sammamish Lake	EMER	98-17-009	sturgeon		
Similkameen River	EMER	98-06-041	areas and seasons	EMER	98-07-011
	EMER	98-07-031		EMER	98-09-055
Skagit River	EMER	98-15-106		EMER	98-13-004
Skykomish River	EMER	98-15-090		EMER	98-14-039
Sol Duc River	EMER	98-10-061	<u>Fishing, subsistence</u>		
Soos Creek	EMER	98-17-002	Columbia River above Bonneville	EMER	98-14-063
Warden Lake	EMER	98-16-042	Columbia River below Bonneville	EMER	98-12-061
Wenatchee River	EMER	98-06-041	Columbia River tributaries	EMER	98-09-022
	EMER	98-07-031		EMER	98-11-041
Willapa River	EMER	98-17-002		EMER	98-13-006
Wind River	EMER	98-18-049		EMER	98-14-037
Wishkah River	EMER	98-06-035		EMER	98-18-047
Wynoochee River	EMER	98-06-035	<u>Hunting</u>		
Yakima River	EMER	98-18-051	auction permits	PERM	98-01-212
halibut				PROP	98-05-092
areas and seasons	EMER	98-15-016		PERM	98-10-004
	EMER	98-15-047		PREP	98-17-089
	EMER	98-16-008	bear	PERM	98-01-205
herring				PROP	98-05-095
areas and seasons	EMER	98-08-045		PERM	98-10-008
lakes closure	PROP	98-05-063		PREP	98-17-089
licenses	PREP	98-08-110	highorn sheep	PROP	98-05-089
	PREP	98-15-149		PERM	98-10-005
salmon			Canada goose	PROP	98-14-104
annual harvest	PREP	98-06-058		PERM	98-17-037
	PROP	98-11-086	Colville Indian Reservation	PROP	98-05-080
	PERM	98-15-081		PERM	98-10-007

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

cougar	PERM	98-01-212		PERM	98-17-043
	PROP	98-05-094		PERM	98-17-044
	PROP	98-05-095		PERM	98-17-045
	PERM	98-10-006		PERM	98-17-046
	PERM	98-10-008		PERM	98-17-047
deer	PREP	98-17-089		PERM	98-17-047
	PERM	98-01-205	special hunts	EMER	98-18-052
	PROP	98-05-085		PERM	98-01-209
	PERM	98-10-010	transport tags for black bear and cougar	PROP	98-14-105
	PREP	98-14-090	Hydraulic projects	PERM	98-01-213
elk	PROP	98-17-091	small scale prospecting and mining	PREP	98-07-092
	PROP	98-18-027	Rules agenda	MISC	98-02-064
	PERM	98-01-211		MISC	98-18-028
	PROP	98-05-088	Trapping	PERM	98-01-207
	PERM	98-10-003		PERM	98-01-208
game management units (GMUs)	PERM	98-01-212	Wildlife	PROP	98-14-105
	PROP	98-05-081	Bayview game reserve	PREP	98-10-099
	PROP	98-05-082		PROP	98-14-097
	PROP	98-05-090	Debay's slough game reserve	PREP	98-10-099
	PROP	98-05-091		PROP	98-14-103
	PROP	98-05-096	protected and endangered species	PERM	98-05-041
	PROP	98-05-097		PREP	98-14-089
	PROP	98-05-098		PROP	98-17-091
	PROP	98-05-099		PREP	98-10-099
	PERM	98-10-011	Swinomish spit game reserve	PROP	98-14-099
	PERM	98-10-012		PERM	98-01-210
	PERM	98-10-013	wildlife rehabilitation permits	PREP	98-10-099
	PERM	98-10-014	Yakima River game reserve	PROP	98-14-106
	PERM	98-10-015			
	PERM	98-10-016			
hunting hours and small game permit hunts	PERM	98-10-017	FOREST PRACTICES BOARD		
	PERM	98-10-020	Columbia River Gorge National Scenic Area	EXAD	98-01-222
	PROP	98-02-016	Meetings	PERM	98-07-047
	PROP	98-05-087		MISC	98-02-067
	PERM	98-10-002	Rules agenda	MISC	98-18-094
	PROP	98-14-102		MISC	98-02-066
	PERM	98-17-039	Salmonid protection	MISC	98-14-133
	PREP	98-10-099	Water quality	PREP	98-16-099
	PROP	98-14-100	Water typing system	EMER	98-12-026
	PROP	98-14-107		PROP	98-02-065
migratory waterfowl	PERM	98-17-038		PROP	98-12-028
	PERM	98-17-040		EMER	98-07-046
	PROP	98-05-089		EMER	98-12-027
	PERM	98-10-005	GAMBLING COMMISSION		
	PROP	98-05-089	Bingo		
mountain goat	PERM	98-10-005	credit sale of bingo paper	PREP	98-15-004
	PERM	98-01-206		PROP	98-18-010
	PERM	98-01-212	location of games	PREP	98-14-029
	PROP	98-05-083	operating procedures	PREP	98-10-095
	PERM	98-10-009		PROP	98-15-005
protected wildlife	PREP	98-17-089	prizes, awarding and accrual	PREP	98-10-095
	PROP	98-05-084		PROP	98-15-005
	PERM	98-10-021	recordkeeping and accounting	PERM	98-04-024
	PREP	98-11-030	Cardrooms	PERM	98-04-023
	PROP	98-17-091		PREP	98-15-077
regulations and boundaries	PREP	98-01-174	Licenses		
	PROP	98-05-086	fees	PREP	98-08-012
	PERM	98-10-019		PROP	98-10-049
restricted and closed areas	PROP	98-05-093		PERM	98-15-073
	PERM	98-10-018		PREP	98-15-078
seasons and permits	PREP	98-10-099	PROP	98-18-009	
	PROP	98-14-097	reporting requirements	PREP	98-08-012
	PROP	98-14-098		PROP	98-10-049
	PROP	98-14-099		PERM	98-15-073
	PROP	98-14-100	spousal requirements	PREP	98-03-048
	PROP	98-14-101	Manufacturers and distributors	PROP	98-01-094
	PROP	98-14-102	Meetings	MISC	98-03-056
	PROP	98-14-103	Public records, availability	PREP	98-01-102
	PROP	98-14-104	Pull tabs		
	PROP	98-14-105	carry-over jackpots	PREP	98-17-102
	PROP	98-14-106	dispensing devices	PREP	98-01-091
	PROP	98-14-107		PROP	98-03-069
	PERM	98-17-041	flares	PERM	98-08-011
	PERM	98-17-042		MISC	98-03-034

Subject/Agency Index

(Citation in bold type refer to material in this issue)

manufacturers, distributors and operators	PREP 98-03-047	Pullman,		
	PROP 98-09-058	state of emergency	MISC	98-11-002
	PERM 98-15-074	State investigators,		
mark-up of merchandise prices	PREP 98-04-033	training and protocols	MISC	98-13-066
prize limits	PREP 98-15-076	Yakima and Kittitas counties, state		
	PROP 98-18-081	of emergency	MISC	98-15-079
prizes, valuation	PROP 98-10-081			
replacement of games	PREP 98-08-043	GRAYS HARBOR COLLEGE		
	PROP 98-10-068	Meetings	MISC	98-01-137
	PERM 98-15-075	Student code of conduct	PROP	98-05-049
	PERM 98-17-103		PERM	98-09-012
Punch boards			EXRE	98-18-061
manufacturers, distributors and operators	PREP 98-03-047	GREEN RIVER COMMUNITY COLLEGE		
	PROP 98-09-058	Meetings	MISC	98-02-009
	PERM 98-15-074			
Raffles		GROWTH MANAGEMENT HEARINGS BOARDS		
recordkeeping requirements	PREP 98-01-092	Practice and procedure	PERM	98-01-144
	PROP 98-09-039			
ticket discount sales	PREP 98-01-090	HEALTH CARE AUTHORITY		
	PROP 98-03-068	Basic health plan		
	PERM 98-08-052	administration	PROP	98-01-220
Rules coordinator	MISC 98-13-011		PERM	98-07-002
Separate businesses, restrictions	PREP 98-01-093	appeals	PREP	98-17-062
	PROP 98-06-027	income, definition	EXAD	98-10-086
	PROP 98-10-050		PERM	98-15-018
	PERM 98-10-067	Public employees benefits board		
Services suppliers	PERM 98-12-005	meetings	MISC	98-01-077
	PROP 98-04-022		MISC	98-03-012
	PREP 98-06-018		MISC	98-03-013
	PROP 98-10-066		MISC	98-06-019
	PROP 98-15-130		MISC	98-08-029
Supplies add services			MISC	98-11-012
credit extension to purchase	PREP 98-13-012		MISC	98-16-059
			MISC	98-17-020
GENERAL ADMINISTRATION, DEPARTMENT OF		Records, inspection	EXAD	98-13-078
Bid solicitation, procedure	EXRE 98-01-113		PERM	98-17-063
Capitol campus design advisory committee		HEALTH, DEPARTMENT OF		
meetings	MISC 98-01-103	Adjudicative proceedings		
	MISC 98-08-047	Birth certificates	PERM	98-09-118
Late payments	EXRE 98-01-115	release of paper or		
Local government		electronic copies	PREP	98-07-079
self-insurance program	PREP 98-12-109	Boarding homes		
Memorials and artwork on capitol campus		civil fines	EMER	98-04-090
design and placement criteria	PERM 98-01-112		PREP	98-04-091
Printing and duplicating committee	EXRE 98-01-114	licensing fees	PERM	98-01-165
State capitol committee		Certificate of need program	EXAD	98-05-057
meetings	MISC 98-01-046		PERM	98-10-053
	MISC 98-01-171		EXAD	98-12-067
	MISC 98-11-050		PERM	98-17-099
	MISC 98-15-024	Chemical dependency professionals	EXRE	98-18-068
State Environmental Protection Act (SEPA),		Community and rural health, office of	PREP	98-15-086
compliance	EXRE 98-01-116	recruitment and retention		
	EXAD 98-07-110	projects	PREP	98-18-071
GOVERNOR, OFFICE OF THE		rural health system development	PREP	98-18-071
Benton, Franklin, Lincoln, and		projects		
Asotin counties, state of emergency	MISC 98-17-026	Counselors		
Carbon River Bridge, state of emergency	MISC 98-08-053	continuing competency requirements	PREP	98-16-063
Clemency and pardons board		disciplinary orders,		
meetings	MISC 98-03-028	fine suspension	MISC	98-07-074
	MISC 98-15-153	Criminal history, disclosure, and		
	MISC 98-18-040	background inquiries	PERM	98-09-120
	MISC 98-01-065	Dental hygienists		
Executive orders, rescission		examinations	EXRE	98-07-087
Ferry and Stevens counties,	MISC 98-13-001		PERM	98-14-123
state of emergency		Dental quality assurance commission		
Gypsy moth infestation		Zyban prescriptions	MISC	98-07-077
state of emergency	MISC 98-10-027	Denturists		
Kelso, state of emergency	MISC 98-13-049	licensure	PROP	98-14-124
Land use study commission extended	MISC 98-13-009	practice standards	PROP	98-14-124
Makah Indian tribal lands in		training course approval	EXRE	98-08-111
Clallam County, state of emergency	MISC 98-18-008			
Okanogan County,				
state of emergency	MISC 98-13-048			
Pend Oreille County,				
state of emergency	MISC 98-13-025			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Emergency medical services and trauma care system trust account	PROP 98-01-164 PERM 98-05-035		MISC 98-11-058 MISC 98-14-116 PROP 98-08-116 PROP 98-09-040
Facilities and institutions operating standards	PREP 98-15-085	sexual misconduct	
Food and beverage service workers' permits	PREP 98-13-108	Nursing home administrators, board of adjudicative proceedings	PREP 98-01-162 PREP 98-01-159
Health care providers credentialing procedures	PROP 98-01-166 PROP 98-05-058 PROP 98-05-059 PERM 98-05-060	administrator-in-training program	MISC 98-03-094
Hearing and speech, board of apprenticeship training, waiver audiology and speech-language pathology education requirements	PREP 98-16-062	below threshold determining criteria	PREP 98-01-156
credentiaing	PROP 98-07-083 PERM 98-13-109 EXRE 98-08-113	board of examiners	PREP 98-01-160
examination	PERM 98-15-089A PROP 98-07-084 PERM 98-13-110	continuing education requirements	PREP 98-01-157
fitting and dispensing	EXRE 98-08-112 PERM 98-15-089	definitions	PREP 98-01-158
housekeeping amendments meetings	PERM 98-06-079 MISC 98-02-051 MISC 98-04-064 MISC 98-13-010 MISC 98-15-121 MISC 98-11-062	examination of applicants meetings	MISC 98-01-153 MISC 98-17-023 PREP 98-01-161
refunds on hearing instruments speech-language pathologists standards of practice	PROP 98-08-117 PERM 98-14-055	standards of suitability and conduct	
Home health, hospice, and home care licensing fees	PROP 98-09-112 PERM 98-13-036	Optometry, board of licensure	PROP 98-11-070
Hospitals acute care hospitals, licensing fees	PROP 98-09-109 PERM 98-13-035	Orthotists and prosthetists examination of candidates licensure training	PREP 98-15-087 PROP 98-18-065 PREP 98-18-070
nonprofit hospitals, sale	PROP 98-09-111 PERM 98-14-056	Osteopathic medicine and surgery, board of physician assistants prescriptive authority	PREP 98-07-078
Institutions and facilities operating standards	PREP 98-15-085	Paternity acknowledgement	PERM 98-18-067
Local public health rules review	PREP 98-01-155	Pharmacy, board of butorphanol	MISC 98-02-084
Medical quality assurance commission automatic external defibrillators, use	MISC 98-07-075	kidney dialysis centers	PREP 98-04-037
sexual misconduct	PREP 98-14-120	licensing fees	PREP 98-01-163 PROP 98-07-086 PERM 98-10-052
Medical test sites	PREP 98-17-100	medication assistance in community-based settings	PREP 98-14-119
Mental health quality assurance council meetings	MISC 98-01-038	patient information requirements	PREP 98-11-065
Midwives examinations licensure fees	PREP 98-11-064 PROP 98-07-085 PERM 98-11-069	prescription information, electronic communication	PREP 98-14-118 EXRE 98-07-088
Nursing care quality commission client records, documentation signatures	MISC 98-14-114	theophylline	
delegation of duties	MISC 98-14-115	Physical therapy, board of assistants and aides, supervision ratio	PREP 98-13-105
impaired practical nurse program, license surcharge	EXRE 98-18-069	continuing competency	PREP 98-15-088
investigations, expedited case closures	MISC 98-11-059	education and examination	PREP 98-13-107
investigative case reviews, timeline	MISC 98-07-073	professional responsibilities, conduct, and training	PREP 98-13-104
licenses qualifications	EXAD 98-18-072	sexual misconduct	PREP 98-13-106
renewal	PREP 98-10-108	unprofessional conduct	PREP 98-13-103
mandatory reporting	PREP 98-09-115	Physician assistants disciplinary proceedings	PERM 98-09-119
nursing pools fees	PREP 98-09-116	Physicians foreign-trained physicians, visa waivers	PREP 98-06-077 PROP 98-15-154
oral feeding via syringe	MISC 98-11-057	Podiatric medical board delegation of duties	PREP 98-08-115
pharmacist orders	MISC 98-07-072	investigation	MISC 98-03-093
scope of practice	MISC 98-03-091 MISC 98-03-092 MISC 98-07-076 MISC 98-11-056	orthotic devices	PREP 98-08-115
		retired active status license	PREP 98-17-101
		Psychology, examining board of meetings	MISC 98-01-018 MISC 98-02-007
		Public health reporting systems	PREP 98-09-113 PREP 98-09-114
		Radiation machine facility registration fee	PERM 98-01-047 PROP 98-07-081 PERM 98-11-066
		Radiation protection dosimetry results reports medical use	PREP 98-06-078 PROP 98-09-108 PERM 98-13-037
		radioactive material licenses fees	PROP 98-07-080 PERM 98-11-067 PROP 98-09-110 PERM 98-13-034
		respiratory protection equipment	

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Radioactive waste	EXAD 98-03-095	riding fees	PROP 98-01-147
	PERM 98-09-117		PERM 98-07-070
Respiratory care practitioners	PREP 98-08-114	Race	PROP 98-16-104
	MISC 98-11-060	Trifecta pools	PERM 98-01-148
	MISC 98-11-061	Weights and equipment	PREP 98-16-102
Rules agenda	MISC 98-02-083		
	MISC 98-16-064		
Sex offender treatment provider program meetings	MISC 98-01-019	HOUSING FINANCE COMMISSION	
Shellfish programs		Biennial review of amendments to plan	MISC 98-01-217
commercial operators			MISC 98-01-218
minimum performance standards	PERM 98-03-096	HUMAN RIGHTS COMMISSION	
	PROP 98-14-122	Disability discrimination	PREP 98-18-005
	PERM 98-18-066	Dog guides and service animals	PROP 98-01-175
limited commercial shellfish license	PREP 98-01-154		PERM 98-08-035
	PROP 98-08-118	Meetings	MISC 98-03-020
	PERM 98-12-068	Sex discrimination	PREP 98-18-005
Temporary worker housing		INDETERMINATE SENTENCE REVIEW BOARD	
1998 cherry harvest	EMER 98-11-001	Non-APA rules, publication protocol	MISC 98-09-045
building codes	PREP 98-10-109	Organization and operation	EXAD 98-09-047
licensing fees	PREP 98-11-063		PROP 98-11-071
Trauma care	PERM 98-04-038		EXAD 98-11-072
	EXAD 98-14-121	Public records, availability	EXAD 98-09-047
Water			PROP 98-11-071
drinking water			EXAD 98-11-072
coordination of policies with			
department of ecology	MISC 98-14-113		
satellite management agency program	MISC 98-09-107	INDUSTRIAL INSURANCE APPEALS, BOARD OF	
state revolving fund rules	PREP 98-04-092	Jurisdiction	PREP 98-15-135
system evaluation and		Operating procedures	PREP 98-15-132
project review and approval fees	PROP 98-07-082		PREP 98-15-133
	PERM 98-11-068		PREP 98-15-134
	PERM 98-12-015		PREP 98-15-136
WIC farmers' market nutrition program	PREP 98-14-117		PROP 98-18-086
HIGHER EDUCATION COORDINATING BOARD		INSURANCE COMMISSIONER'S OFFICE	
Administrative requirements	EXAD 98-08-002	Actuaries regulation	EXAD 98-07-105
Advanced tuition payment program committee	EXAD 98-18-045		PERM 98-11-089
Distinguished professorship program grants distribution	EMER 98-14-008	Annuities	
	PREP 98-16-024	mortality table	PROP 98-01-121
Education Services Registration Act, administration	PERM 98-08-009		PERM 98-05-069
Exemptions from authorization	EXAD 98-08-001	Bulletins and technical assistance advisories, withdrawal	MISC 98-09-054
Facilities construction, federal grants	PERM 98-08-008	Cascade National Insurance Co., acquisition	MISC 98-18-105
Graduate fellowship program grants distribution	EMER 98-14-007	Commissioner's office inquiries, response requirements	MISC 98-11-027
	PREP 98-16-023	Disability insurance	
Institutional equipment, federal grants	PERM 98-08-007	form filings	EXAD 98-04-084
Meetings	MISC 98-01-100	rate filings	PREP 98-13-087
Postsecondary education, council for bylaws	PERM 98-08-006	rules review	PREP 98-13-091
Residency status for higher education	EXAD 98-01-101	Domestic violence victims discrimination against prohibited	MISC 98-10-022
	PERM 98-08-004	Eagle Pacific Insurance Co., acquisition by Lumbermens Mutual Casualty Co.	MISC 98-12-108
Tuition recovery trust fund account	PERM 98-08-005	Electronic Authentication Act application to insurance code	PROP 98-01-118
Women's participation in intercollegiate athletics, goal	PERM 98-08-003		PERM 98-04-063
HIGHLINE COMMUNITY COLLEGE		Form filings	EXAD 98-08-098
Meetings	MISC 98-01-106		PERM 98-09-041
HISPANIC AFFAIRS, COMMISSION ON		Fraternal risk based capital	EXAD 98-13-093
Meetings	MISC 98-03-053		PERM 98-13-094
HORSE RACING COMMISSION		Great Northern Insured Annuity Corp., merger with General Electric Capital Assurance Co.	EXAD 98-04-085
Association officials and employees	PERM 98-01-145		PERM 98-09-016
	PROP 98-10-001	Health care services insurance	
Horses		chemical dependency coverage	PREP 98-01-117
identification	PREP 98-10-110	contract forms and rate schedules, filing	PROP 98-01-120
Jockeys	PROP 98-16-103		PROP 98-02-063
apprentices	PERM 98-01-146		PERM 98-04-011
			MISC 98-09-053

Subject/Agency Index

(Citation in bold type refer to material in this issue)

diabetes coverage	MISC	98-03-029	rules update	PREP	98-09-063
Medicare supplement insurance	PREP	98-13-088	Boiler rules, board of fees	PROP	98-04-017
mental health benefits	PREP	98-07-064		PERM	98-09-064
pharmacy benefits	PREP	98-07-063	meetings	MISC	98-01-051
Licenses			rules update	PREP	98-09-065
continuing education	EXAD	98-07-104		PROP	98-16-079
	PERM	98-11-090	Commercial coaches	PROP	98-07-095
reexamination after failure	EXAD	98-01-135		PERM	98-14-078
	PERM	98-06-022	Crime victims compensation independent assessments	PREP	98-14-141
Life insurance			Electrical board		
accelerated benefits	PROP	98-01-134	meetings	MISC	98-01-012
	PROP	98-02-062	Electricians		
	PROP	98-03-076	journeyman electrician certification	PROP	98-07-097
	PERM	98-05-026		PERM	98-12-042
disclosure	PROP	98-04-083		PREP	98-13-123
	PROP	98-07-062			
	PERM	98-11-003	Elevator board		
form filings	EXAD	98-04-084	meetings	MISC	98-01-039
WM Life Insurance Co., merger with Safeco Life Insurance Co.	MISC	98-10-079	Elevators		
Long-term care	PREP	98-13-089	fees	PROP	98-07-094
Managed care plans				PERM	98-12-043
rules	PROP	98-02-012	Factory assembled structures advisory board		
	PROP	98-03-004	meetings	MISC	98-01-015
	PERM	98-04-005	Factory-built housing	PROP	98-07-095
	PROP	98-10-082	Fees	PROP	98-07-096
	PREP	98-13-090		PERM	98-12-041
	PREP	98-17-084	Industrial Safety and Health Act (WISHA) abatement verification	PREP	98-12-081
Out-of-state groups	EXAD	98-13-093		PROP	98-18-080
Policies filings			Manufactured housing	PROP	98-07-095
Property insurance				PERM	98-14-078
essential property insurance inspection and placement program	EXAD	98-08-097	Occupational health standards		
	PERM	98-13-095	air contaminants	PROP	98-05-061
Rate filings				EMER	98-10-028
capital cost	PREP	98-04-081	chemical agents, control	PERM	98-10-029
compliance and enforcement	PREP	98-05-102	inorganic arsenic and coke oven emissions	EMER	98-02-010
	PROP	98-13-092			
Rules agenda	MISC	98-01-119	Plumbers		
	MISC	98-16-027	journeyman certification of competency	PREP	98-06-043
Rules coordinator	MISC	98-02-026		PROP	98-09-124
	MISC	98-11-028		PERM	98-13-126
Rules, repeal of unnecessary or outdated sections	EXAD	98-07-065	Policy and interpretive statements	MISC	98-03-040
	PERM	98-11-088		MISC	98-06-024
				MISC	98-10-026
				MISC	98-14-050
				MISC	98-18-054
				EXRE	98-08-102
INTEREST RATES			Practice and procedure		
(See inside front cover)			Right to know		
			fee assessment	PERM	98-02-029
INVESTMENT BOARD, STATE			Rules agenda	MISC	98-04-057
Rules of conduct	PERM	98-01-138		MISC	98-16-051
JAIL INDUSTRIES BOARD			Safety and health standards		
Prison industries			abrasive wheel machinery	PERM	98-02-028
certification program	PREP	98-11-102	accident prevention plan	PREP	98-12-083
	PREP	98-11-103	chemonucleolysis	EXRE	98-08-101
	PROP	98-14-059	emergency washing facilities	PREP	98-12-082
	PROP	98-14-060	first aid	PERM	98-06-061
	PERM	98-17-003	hazardous waste operations and emergency response	PREP	98-12-084
	PERM	98-17-004	personal protective equipment	PERM	98-02-006
Rules agenda	MISC	98-14-058	respiratory protection	PREP	98-08-104
			Safety standards		
JUDICIAL CONDUCT, COMMISSION ON			agriculture	PREP	98-04-094
Meetings	MISC	98-01-009		PREP	98-10-035
	MISC	98-01-215	construction	PROP	98-16-100
	MISC	98-13-062		PERM	98-05-046
			electrical construction	PROP	98-05-073
LABOR AND INDUSTRIES, DEPARTMENT OF				PERM	98-13-069
Actions and proceedings				PROP	98-16-067
special assistants attorneys general	PREP	98-09-123		PERM	98-07-009
	MISC	98-13-125			
Apprenticeship and training council					
approved apprenticeship standards	PROP	98-07-058			
	PROP	98-12-074			
meetings	MISC	98-17-008			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

electrical equipment	PROP 98-07-097	Cemetery board	
	PERM 98-12-042	fees	PREP 98-11-039
electrical inspection fees	PREP 98-13-123		PROP 98-15-100
electrical workers	EXAD 98-18-101	Court reporters	
	PROP 98-07-008	fees	PREP 98-09-074
	PERM 98-07-009		PROP 98-13-026
elevators, dumbwaiters, escalators, lifting devices, moving walks	PREP 98-02-080	Employment agencies	PERM 98-16-060
	PREP 98-13-124	fees	PREP 98-09-075
explosives, underground transportation	EXAD 98-12-103		PROP 98-13-028
fire fighters	PREP 98-11-075	Engineers and land surveyors, board of	PERM 98-18-053
	PROP 98-17-078	administrative procedures	PROP 98-08-078
longshore and marine terminals	PREP 98-12-080		PERM 98-12-045
	PROP 98-17-079	fees	PROP 98-09-051
mechanical power transmission apparatus	PERM 98-10-073		PERM 98-12-046
minors		licenses	PROP 98-08-105
nonagricultural employment	PREP 98-02-079		PERM 98-12-052
temporary labor camps	PREP 98-10-035	limited liability companies	PROP 98-08-106
	PROP 98-16-100		PERM 98-12-053
water heater relief lines	EXRE 98-14-077	meetings	MISC 98-01-075
	EXRE 98-18-036	organization and jurisdiction	PREP 98-11-025
Theatrical enterprises	EXRE 98-07-093		PROP 98-15-019
	PERM 98-14-042	pro tem board member appointment	PERM 98-18-046
Third-party recoveries	EXRE 98-08-100	Funeral directors and embalmers, board of	MISC 98-05-044
	PERM 98-14-076	licenses	PREP 98-10-087
Wages and hours			PREP 98-11-038
computer software professionals	PERM 98-02-027		PROP 98-17-035
Wearing apparel	EXRE 98-08-103	Motor vehicles	
	PERM 98-14-041	certificate of title	PREP 98-03-024
Workers' compensation			PROP 98-08-049
classifications	PROP 98-12-079		PERM 98-12-099
	PERM 98-18-042		PREP 98-14-080
drugs and medications	PREP 98-14-142		PREP 98-16-071
insurance services,		dealer-to-dealer transfer	PREP 98-18-002
interpretive statements	MISC 98-18-054	dealers and manufacturers	PERM 98-01-020
medical coverage decisions	PREP 98-12-102	rules review	PREP 98-10-071
medical services payments	PREP 98-01-223		PROP 98-16-007
	PROP 98-05-100	disabled person parking	PROP 98-04-014
	PERM 98-09-125		PREP 98-09-038
premium rates	PREP 98-14-140		PROP 98-13-043
prescriptions	PREP 98-14-142		EMER 98-15-013
reporting	PROP 98-12-079		PROP 98-15-014
	PERM 98-18-042		
retrospective rating	PREP 98-11-101	fuel tax and special fuel tax	
self-insurance claims process	PREP 98-15-108	administration and collection	PREP 98-13-003
			PROP 98-18-059
LAKE WASHINGTON TECHNICAL COLLEGE		interstate and intrastate permits	PREP 98-14-081
Meetings	MISC 98-02-036		PROP 98-18-024
	PREP 98-02-050	license plates	
	PROP 98-06-020	special plates	PERM 98-01-151
	PERM 98-09-031		PROP 98-04-071
LICENSING, DEPARTMENT OF		licenses	PERM 98-09-024
Architects, board of registration for			PREP 98-03-021
application for examination and	PREP 98-06-047		PREP 98-03-022
registration	PROP 98-14-043		PREP 98-03-023
	PREP 98-05-012		PROP 98-04-071
fees	PROP 98-09-057		PROP 98-06-080
	PERM 98-12-064		PROP 98-07-018
intern training program	PREP 98-06-046		PERM 98-09-024
	PROP 98-14-043		PROP 98-12-073
Auctioneers			PROP 98-14-012
fees	PREP 98-09-073		PERM 98-16-002
	PROP 98-13-027		PREP 98-16-010
	PERM 98-16-061		PREP 98-16-073
Bail bond agents		Practice and procedure	PREP 98-16-074
rules review	PREP 98-09-077	Real estate appraisers	PREP 98-17-071
Boxing, sparring, and wrestling		fees	PREP 98-10-063
practice and procedure	PREP 98-09-079		PROP 98-12-066
Camping resorts		uniform standards of practice	PROP 98-16-004
fees	PREP 98-09-076		EMER 98-10-064
	PROP 98-13-070		PROP 98-12-065
	PERM 98-18-082		PERM 98-17-083

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Real estate commission adjudicative procedures	PERM 98-01-107	PROP 98-12-093
licensing procedures	PERM 98-01-107	PERM 98-13-018
meetings	MISC 98-01-052	PERM 98-15-115
rules review	PREP 98-13-071	
Rules agenda	MISC 98-02-061	Lotto
	MISC 98-15-065	drawing dates
		jackpot payment period
Sanitarians		
licensing	EXRE 98-07-020	Policy statements
	PERM 98-13-045	
Security guards		Prizes
fees	PREP 98-09-078	
Snowmobiles	PROP 98-04-072	
	PERM 98-08-070	
Title and registration advisory committee meetings		Quinto
	MISC 98-01-131	drawing dates
	MISC 98-05-028	Retailer licensing
	MISC 98-11-096	
	MISC 98-17-019	
Uniform commercial code filing office fees	PREP 98-14-057	Retailer obligations
Vessels		
registration and certificate of title	PROP 98-01-070	
	PREP 98-03-025	
	PREP 98-03-026	MARINE EMPLOYEES' COMMISSION
	PREP 98-03-027	Beverages and refreshments provided for commission functions
	PROP 98-05-068	MISC 98-14-030
	EMER 98-09-001	
	PERM 98-09-023	MILITARY DEPARTMENT
	PROP 98-12-072	Emergency management division chapter 365-300 WAC recodification
	PROP 98-13-044	hazardous chemicals
	PREP 98-14-082	emergency response planning
	PERM 98-16-001	PERM 98-07-028
	PERM 98-16-029	
	PERM 98-16-030	MINORITY AND WOMEN'S BUSINESS ENTERPRISES,
	PREP 98-16-072	OFFICE OF
	PROP 98-16-075	Annual goals
	PREP 98-18-083	PREP 98-11-093
	PROP 98-03-054	PROP 98-17-082
	PERM 98-03-055	Certification program
Whitewater river outfitters		fees
		PERM 98-13-075
		Engineering, architectural, and surveying services
		size standards
		PREP 98-08-107
		Public records
		copy fees
		PERM 98-13-007
LIQUOR CONTROL BOARD		NATURAL RESOURCES, DEPARTMENT OF
Brewery or winery on existing retail premises	PROP 98-05-103	Aquatic lands exchange
	PERM 98-15-068	PREP 98-15-155
Licenses		Burning permits
approval, delegation of authority to staff	PREP 98-01-035	fees
	PROP 98-09-060	PROP 98-09-046
	PERM 98-14-004	PERM 98-13-068
penalty guidelines	PREP 98-12-088	rules
	PREP 98-12-089	PROP 98-09-046
	PROP 98-18-095	PERM 98-11-047
	PROP 98-18-096	PERM 98-13-068
retail licensing	PREP 98-02-068	Fire hazard regions
	EXAD 98-12-090	closure
	PERM 98-18-097	EMER 98-17-027
Operations and procedures	PROP 98-09-061	Natural heritage advisory council
	PERM 98-14-003	meetings
Rules coordinator	MISC 98-10-056	MISC 98-04-002
Samples of spirituous liquor	PROP 98-02-069	MISC 98-08-042
	PERM 98-08-041	
Sports/entertainment facilities		Natural resources, board of
alcohol service	PROP 98-14-134	meetings
Tobacco products		MISC 98-01-104
sale or handling by employees under age eighteen	PREP 98-11-081	MISC 98-02-071
		MISC 98-14-143
LOTTERY COMMISSION		NORTHWEST AIR POLLUTION AUTHORITY
Instant game number 207	PERM 98-03-075	Agricultural burning
Instant game rules	PROP 98-04-073	PROP 98-08-094
	PREP 98-07-089	PERM 98-13-065
	PROP 98-08-064	Outdoor burning
	PREP 98-08-066	PROP 98-08-094
	PERM 98-08-067	PERM 98-13-065
	EXRE 98-07-090	PROP 98-08-094
		PERM 98-13-065
		OLYMPIC AIR POLLUTION CONTROL AUTHORITY
		Construction fees
		PROP 98-11-079
		PERM 98-17-015
		PROP 98-11-077
		PERM 98-17-017
		Emission standards.

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Gasoline stations vapor recovery	PROP 98-11-076 PERM 98-17-014	Training Transfers, lateral movements, and voluntary demotions	PROP 98-16-053 PROP 98-01-140 PERM 98-08-026 PROP 98-06-015
Operating permit fees	PROP 98-11-080 PERM 98-17-016		
Potential to emit Registration fees	PERM 98-18-004 PROP 98-11-078 PERM 98-17-018		
OLYMPIC COLLEGE		PIERCE COLLEGE	
Meetings	MISC 98-06-048	Meetings	MISC 98-02-008 MISC 98-08-044 MISC 98-14-001 MISC 98-15-063
OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR		PILOTAGE COMMISSIONERS, BOARD OF	
Meetings	MISC 98-03-005 MISC 98-03-042 MISC 98-04-050 MISC 98-13-063 MISC 98-17-050	New pilots, limitations	PREP 98-10-092
Rules agenda	PROP 98-04-079	Pilotage tariff rates Grays Harbor district	PROP 98-10-093 EMER 98-16-028 PROP 98-08-071 PERM 98-12-008
Rules coordinator	PERM 98-08-014 MISC 98-03-043	Puget Sound district	
PARKS AND RECREATION COMMISSION		POLLUTION LIABILITY INSURANCE AGENCY	
Boating safety program	PREP 98-16-033 PREP 98-16-035	Eligibility assessment reimbursement	PERM 98-01-053
Clean vessel program funding	PROP 98-03-090 PERM 98-07-021	PUBLIC DISCLOSURE COMMISSION	
Concessions and leases	PERM 98-01-050	Contributions	
Controlled aircraft in state parks Meetings	PREP 98-16-069 MISC 98-01-130	encouraging expenditures to avoid contributions	PREP 98-06-052 PROP 98-09-020 PERM 98-12-036
Public use of park areas	PERM 98-04-065 PREP 98-16-034	in-kind contributions and expenditures	PREP 98-06-053 PROP 98-09-019 PERM 98-12-034
Rules coordinator	MISC 98-01-180	legislative session freeze period limits increase or decrease	PREP 98-16-054 PREP 98-01-187 PROP 98-05-107 PERM 98-08-069
Whitewater river designation	PROP 98-03-086 PERM 98-07-022	solicitation or acceptance during legislative session freeze period	EMER 98-01-055 PREP 98-03-072
Wind/sand sailing on ocean beaches	PREP 98-16-068	County election officials campaign disclosure reports, duties	PREP 98-06-051 PROP 98-09-021 PERM 98-12-038 PERM 98-01-062 MISC 98-11-017
PENINSULA COLLEGE		Lobbyist employer reports Meetings	
Meetings	MISC 98-03-065 MISC 98-09-068	Registered voters, calculation of number	PREP 98-06-054 PROP 98-09-018 PERM 98-12-035 MISC 98-02-060
PERSONNEL RESOURCES BOARD AND PERSONNEL, DEPARTMENT OF		Rules agenda Volunteer services	PREP 98-06-055 PROP 98-09-017 PERM 98-12-037
Americans with Disabilities Act compliance	PROP 98-01-141 PROP 98-06-014 PERM 98-08-024	PUBLIC EMPLOYEES BENEFITS BOARD (See HEALTH CARE AUTHORITY)	
Certifications actions required	PROP 98-10-122 PROP 98-13-059 PROP 98-15-082	PUBLIC EMPLOYMENT RELATIONS COMMISSION	
Classified service Disabilities accommodation	PROP 98-16-053 PROP 98-01-142 PROP 98-06-013 PERM 98-08-025 PROP 98-16-053	Filing and service of papers	PREP 98-04-049 PROP 98-10-101 PERM 98-14-112 MISC 98-02-081 MISC 98-14-111
Eligible lists		Rules agenda	
Housekeeping changes and rules clarification	PROP 98-15-035 PROP 98-15-036	PUBLIC INSTRUCTION, SUPERINTENDENT OF	
Layoffs	PERM 98-03-051	Correctional facilities	
Medical expense plans	PROP 98-10-121 EMER 98-13-056 PERM 98-13-057 PROP 98-16-053 EMER 98-13-055	educational services for juveniles in adult facilities	PREP 98-14-040 PROP 98-18-093
Office hours		Funding	
Probationary period, extension		audit resolution process	PERM 98-05-008 PROP 98-03-066 PROP 98-04-070 PERM 98-07-060
Return to work initiative project	PERM 98-13-058	basic education	
Rules coordinator	MISC 98-04-058		
Salaries	PERM 98-03-052		
Seniority	PROP 98-01-139 PERM 98-06-012		
Shift premium provisions and compensation	PROP 98-06-062 PERM 98-09-066		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

levy authority and local effort assistance	PROP 98-05-040	small timber harvesters	EXAD 98-12-004
	PERM 98-08-096		PERM 98-16-107
local enhancement funds	PERM 98-04-080	successor to person quitting business	PREP 98-11-083
special education	PERM 98-04-036	veterinarians	PREP 98-14-127
	PERM 98-08-013	Carbonated beverage and syrup tax	EXAD 98-16-018
vocational programs	PREP 98-09-043	Excise taxes	
	PROP 98-16-106	articles manufactured and installed	PERM 98-01-111
Immunization records, verification	PERM 98-04-025	excise tax advisories	MISC 98-15-034
K-3 staff enhancement	PROP 98-03-067	leasehold excise tax	PREP 98-13-053
	PERM 98-07-061	real estate excise tax	PREP 98-18-092
Shared leave programs	PREP 98-05-038	Indian reservations	PREP 98-07-066
	PROP 98-16-055	excise tax liability	PREP 98-09-036
Special education programs	PREP 98-05-039	mobile homes and mobile home park fee	PERM 98-01-111
Special service program		Interpretive statements	MISC 98-02-024
highly capable students	PERM 98-12-002		MISC 98-14-128
Transitional bilingual instruction program	PROP 98-01-054		MISC 98-14-129
Transportation services			MISC 98-14-130
basic students transported on			MISC 98-14-131
special needs route	PREP 98-09-091		MISC 98-15-045
	PROP 98-14-011	Property tax	
	PERM 98-17-007	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
			PERM 98-14-027
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	leases or rentals of tangible personal property	PREP 98-15-126
	PERM 98-06-009	nonprofit organizations, exemptions	PREP 98-07-016
Appeals	PROP 98-18-087		PROP 98-14-084
Burn bans	PROP 98-18-087		PERM 98-18-006
Definitions	PROP 98-18-089		
Enforcement	PROP 98-18-087	refunds	
Fees	PROP 98-16-086	procedures and interest	PERM 98-01-176
Meetings	PROP 98-16-085		PERM 98-01-177
Penalties	PROP 98-16-085		PREP 98-15-127
Sources			PREP 98-15-127
acceptable source impact levels	PROP 98-18-088	returns, extensions, and interest	
emission monitoring	PROP 98-06-087	senior citizen and disabled person exemption	EXRE 98-08-018
	PERM 98-10-039		PERM 98-14-028
reporting requirements	PROP 98-16-085		MISC 98-02-078
spray coatings	PROP 98-18-087		MISC 98-15-029
			MISC 98-04-012
PUGET SOUND WATER QUALITY ACTION TEAM		Rules agenda	
Meetings	MISC 98-15-152	Rules coordinator	
		Sales tax	
RENTON TECHNICAL COLLEGE		agricultural employee housing	PROP 98-16-025
Meetings	PERM 98-02-037	amusement and recreation activities and businesses	PREP 98-05-031
	MISC 98-02-038	Timber excise tax	
		forest land values	PERM 98-02-014
		stumpage values	PERM 98-02-015
			PREP 98-05-074
			PROP 98-10-124
			PERM 98-14-083
RETIREMENT SYSTEMS, DEPARTMENT OF		RULES COORDINATORS	
Board members, recusal	PERM 98-01-109	(See Issue 98-01 for a complete list of rules coordinators designated as of 12/24/97)	
Deferred compensation program	PREP 98-12-007	Administrative hearings, office of	MISC 98-01-045
	PROP 98-15-098	Bellingham Technical College	MISC 98-01-002
Employee retirement benefits board meetings	MISC 98-01-132	Community, trade and economic development, department of	MISC 98-01-143
Employer obligations			MISC 98-16-003
interest on past due amounts	PREP 98-13-085	County road administration board	MISC 98-01-010
Public employees' retirement system (PERS) earnable compensation	PROP 98-01-069	Employment security department	MISC 98-02-005
	PERM 98-09-059	Executive ethics board	MISC 98-09-072
Regulatory reform		Financial management, office of	MISC 98-07-014
contact person	MISC 98-11-097	Gambling commission	MISC 98-13-011
Teachers' retirement system (TRS) earnable compensation	PROP 98-01-069	Insurance commissioner's office	MISC 98-02-026
	PERM 98-09-059		MISC 98-11-028
			MISC 98-10-056
REVENUE, DEPARTMENT OF		Liquor control board	
Business and occupation tax		Outdoor recreation, interagency committee for	MISC 98-03-043
small business step-ranged tax		Parks and recreation commission	MISC 98-01-180
credit table	EMER 98-02-046		
	EMER 98-11-006		
	EXAD 98-10-123		
	PERM 98-16-019		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Personnel, department of	MISC	98-04-058			
Revenue, department of	MISC	98-04-012			EMER 98-14-087 EMER 98-17-067
SCHOOL-TO-WORK TRANSITION, GOVERNOR'S TASK FORCE ON				Child care	
Meetings	MISC	98-12-003		day care homes, licensing	PREP 98-02-057
				subsidized payment rates	PREP 98-13-079
					EMER 98-16-026
SEATTLE COMMUNITY COLLEGES					EMER 98-16-040
Meetings	MISC	98-10-076			EMER 98-16-093
	MISC	98-11-008			EMER 98-18-077
	MISC	98-11-013			EMER 98-18-078
	MISC	98-11-052		Child support, division of	
	MISC	98-12-006		address disclosure	PREP 98-12-106
	MISC	98-16-057		assessing support	PREP 98-03-078
	MISC	98-18-022		employer reporting	PREP 98-16-090
				family violence	MISC 98-12-105
				financial institution data matches	MISC 98-12-104
				finances	PREP 98-15-102
SECRETARY OF STATE				grievance and dispute	
Address confidentiality program	PREP	98-11-009		resolution method	PROP 98-05-078
	PROP	98-13-111			PERM 98-17-033
	PROP	98-14-006		hearing and conference board	PROP 98-05-079
	PROP	98-14-009			PERM 98-17-032
Charitable trusts				license suspension program	PROP 98-13-081
registration	PREP	98-07-001			PERM 98-17-031
	PROP	98-13-098		"most wanted" list	PREP 98-12-107
	PERM	98-18-034		policy and procedure handbook	MISC 98-17-065
Elections				Children's administration	
administration	PERM	98-03-033		case transfers	MISC 98-02-076
	EMER	98-18-041		child care facilities	
logic and accuracy tests	PREP	98-17-028		licenses	PREP 98-08-084
	EMER	98-17-029			PREP 98-10-104
Electronic Authentication Act				child care programs	PREP 98-01-128
implementation	PREP	98-09-062			PROP 98-14-034
	PROP	98-13-100		hearings or court proceedings	EMER 98-14-035
	MISC	98-15-104		opposing testimony	
	PERM	98-16-031		interstate compact on placement of children	MISC 98-06-026
Fax transmission of documents	EMER	98-13-042		Children's services	PERM 98-01-149
	EXAD	98-13-099		applicant rights	PROP 98-03-082
	PERM	98-17-075			PERM 98-07-041
Recodification of WAC sections	MISC	98-08-010		Developmental disabilities, division of	
				community alternatives program	PREP 98-09-094
SKAGIT VALLEY COLLEGE				delivery of services	PERM 98-02-058
Meetings	MISC	98-01-043		eligibility	PREP 98-09-094
	MISC	98-03-061		family support opportunity	
				pilot program	PREP 98-10-040
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF				information and outreach	EMER 98-13-041
Adult family homes				residential habilitation centers	PREP 98-09-009
licensing, limited requirements	PROP	98-02-077			EMER 98-13-041
	PROP	98-04-032		rules review	PROP 98-16-091
	PERM	98-11-095		Economic services administration	PREP 98-09-092
	PERM	98-12-054		child support payments distribution	PROP 98-01-170
	PROP	98-17-072			EMER 98-04-027
licensing, minimum requirements	PROP	98-08-091		eligibility	PROP 98-06-067
Aging and adult services					PERM 98-10-042
chore personal care services	EXRE	98-08-073		meetings	PROP 98-03-084
	EMER	98-09-042		need standards	PERM 98-06-056
	PREP	98-11-031		payment of grants	PROP 98-11-084
	PREP	98-11-032			PROP 98-13-054
	PERM	98-14-052		program services review	PROP 98-15-113
	PROP	98-15-138		SSI state supplement	PROP 98-16-037
	EMER	98-17-030		standards of assistance	PERM 98-16-044
disabled adults, social services	PREP	98-16-022			MISC 98-01-129
eligibility standards	PERM	98-04-026		unemployable adults	PROP 98-01-169
	PROP	98-13-077			PERM 98-08-037
home and community services					PREP 98-07-099
nurse oversight	PREP	98-07-051			PROP 98-11-074
	PROP	98-16-092			PROP 98-16-038
in-home care providers,					PREP 98-01-168
contract qualifications	PROP	98-14-062			
	PERM	98-18-037			PROP 98-01-126
nursing homes rules review	PREP	98-06-089			PERM 98-06-057
Alcohol and substance abuse, division of					PREP 98-07-036
drug-free workplace program	PREP	98-09-093			PREP 98-07-038
	PROP	98-17-066			
Boarding homes					
license fees	PREP	98-14-085			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

U.S. repatriates program	PREP	98-07-037		EMER	98-08-086
Food assistance program for legal immigrants	PROP	98-13-080	nursing facilities, payment rate methodology	PERM	98-11-073
Food stamp program employment and training programs requirements	PROP	98-06-076		PREP	98-03-077
income eligibility	PERM	98-03-049		PREP	98-06-066
thrifty food plan	PROP	98-04-039		EMER	98-11-094
	EMER	98-04-040	pharmacy services	PROP	98-15-103
	PERM	98-10-025	billing procedures	PROP	98-15-141
General assistance				PERM	98-05-054
fugitive felons			pregnant women, benefits	PERM	98-14-005
and probation violators	EMER	98-14-086	resource exemptions	PREP	98-15-112
Juvenile rehabilitation administration				PROP	98-01-127
criminal background checks			rules review	PERM	98-04-031
in licensed facilities	MISC	98-18-058	scope of care	PREP	98-10-106
placement of offenders	PREP	98-10-125	trauma services,	PERM	98-04-004
	PROP	98-14-061	enhanced payments	MISC	98-07-035
	PERM	98-18-056	vision care	PREP	98-01-167
Management services			Mental health program		
delegation of authority by secretary	PROP	98-08-076	records, availability	PREP	98-10-105
	PERM	98-11-034	Rules		
Medical assistance administration			repeal of obsolete, duplicative, or ambiguous rules	PERM	98-01-125
community options program	PREP	98-05-051	Rules agenda	MISC	98-04-041
entry system (COPES)	PREP	98-08-074		MISC	98-16-021
dental-related services	MISC	98-07-034	Telephone assistance program	PREP	98-06-088
electronic funds transfer	PREP	98-03-079	Temporary assistance to needy families (TANF)		
eligibility	PREP	98-07-039	child care, eligibility	PROP	98-03-083
	PROP	98-08-081		PERM	98-08-021
	EMER	98-08-085	community jobs wage subsidy program	PROP	98-03-080
	EMER	98-08-088		PROP	98-07-042
	PROP	98-13-082		PROP	98-07-100
	PROP	98-15-053		PERM	98-10-041
	PERM	98-15-066		PERM	98-10-054
	PROP	98-15-101	eligibility	PROP	98-03-084
	PROP	98-15-140	eligibility review cycle	PERM	98-06-056
	EMER	98-16-036	family violence amendment	PERM	98-04-015
	PERM	98-16-050	immigrants, eligibility	PERM	98-07-040
	PROP	98-17-064	overpayments, waiver of retroactive	PERM	98-08-036
	PERM	98-18-079	WorkFirst	PERM	98-04-016
guardianship fees	PROP	98-03-085	cash assistance need standards	PREP	98-17-081
	PROP	98-05-053	child care, eligibility	PREP	98-08-075
	PERM	98-08-077		PROP	98-17-080
	PERM	98-10-055	electronic benefit transfer	PREP	98-16-089
healthy options health			participation requirements	PROP	98-15-139
carrier billing	MISC	98-05-050			
home health services	PREP	98-13-086	SOUTH PUGET SOUND COMMUNITY COLLEGE		
hospice services	PREP	98-01-189	Meetings	MISC	98-01-096
hospital services	PERM	98-01-124		MISC	98-03-017
	PREP	98-18-057		MISC	98-06-010
	PROP	98-18-098		MISC	98-08-040
income eligibility	PERM	98-04-003		MISC	98-12-014
income standards	EMER	98-01-190	SOUTHWEST AIR POLLUTION CONTROL AUTHORITY		
institutional care	EMER	98-01-191	Dry cleaning operations	PREP	98-12-011
	PREP	98-05-052	Gasoline vapors	PREP	98-12-013
	EMER	98-14-126	Ozone maintenance plan	PREP	98-12-040
interpreter services	PREP	98-01-188	SEPA procedures	PREP	98-12-012
	PROP	98-07-050	Sources	PREP	98-12-010
	EMER	98-07-052		PROP	98-15-044
	PROP	98-10-107		PROP	98-15-142
	PERM	98-15-054		PROP	98-15-143
kidney centers, eligibility	PROP	98-02-059		PROP	98-15-144
	PERM	98-06-025			
medically needy, eligibility	PREP	98-01-068	SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY		
	PROP	98-08-082	Asbestos program	PROP	98-01-036
	EMER	98-08-087		PERM	98-05-030
	PERM	98-11-033	Burning restrictions	PROP	98-16-058
Medicare			Municipal solid waste combustors		
beneficiary program	MISC	98-02-075	emission guidelines	PERM	98-01-037
deductibles	PREP	98-01-067		PROP	98-18-055
eligibility	PROP	98-08-083			
cost share	PREP	98-04-066			
	PROP	98-08-083			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Surface coating application	PROP 98-07-029	escort vehicles	PREP 98-06-023
	PERM 98-11-011		PROP 98-10-038
SPOKANE, COMMUNITY COLLEGES OF			PROP 98-13-101
Meetings	MISC 98-05-015	hay bales	PERM 98-16-048
	MISC 98-18-062		PROP 98-18-026
SUPREME COURT, STATE			PREP 98-02-032
Admissibility of documents	MISC 98-03-035		PROP 98-06-016
Admission to practice			PERM 98-09-029
emeritus membership	MISC 98-13-022		EMER 98-12-097
house counsel	MISC 98-13-024	manufactured housing movements	PREP 98-14-045
Appellate court			PROP 98-18-026
decisions, forms	MISC 98-13-023		EMER 98-08-057
Capital cases, indigent appellate defense	MISC 98-01-048		PREP 98-08-089
Civil proceedings	MISC 98-11-022	nighttime hours	PROP 98-12-096
Court records,		nighttime movements	PERM 98-16-087
destruction and sealing	MISC 98-13-019		PREP 98-04-043
Courts of limited jurisdiction			EMER 98-04-045
civil rules	MISC 98-13-021	rear-view mirrors	PROP 98-08-090
Definitions	MISC 98-11-022		PERM 98-12-063
Law clerk program	MISC 98-11-023		EMER 98-09-090
Meetings	MISC 98-03-019		PREP 98-10-037
Procedures	MISC 98-13-020	Public transportation	PROP 98-14-044
Trial court		comprehensive transit plans	PERM 98-16-088
decision review	MISC 98-03-036		
TACOMA COMMUNITY COLLEGE		feasibility studies	PREP 98-03-031
Meetings	MISC 98-01-042		PROP 98-07-006
TAX APPEALS, BOARD OF		municipal rail	PERM 98-11-046
Meetings	MISC 98-01-016	fixed guideway systems	PREP 98-03-030
Practice and procedure	EXAD 98-16-046		PROP 98-07-005
	EXAD 98-16-047	technical studies	PERM 98-11-045
Public records	PREP 98-02-021		
TOXICOLOGIST, STATE		Rules agenda	PREP 98-13-102
Breath test program	PREP 98-17-095		EMER 98-15-037
	PREP 98-17-096		PROP 98-16-049
TRANSPORTATION COMMISSION		TREASURER, OFFICE OF THE STATE	PREP 98-03-032
Meetings	MISC 98-05-032	Local government investment pool	PROP 98-07-004
	MISC 98-09-008	deposits and withdrawals	PERM 98-11-044
	MISC 98-17-049	Public deposit protection commission	MISC 98-04-046
TRANSPORTATION IMPROVEMENT BOARD		Securities	MISC 98-14-046
Meetings	MISC 98-01-017	collateral for payment	PROP 98-14-139
	MISC 98-07-013	UNIVERSITY OF WASHINGTON	
	MISC 98-09-011	Admission and registration	PROP 98-05-066
	MISC 98-10-084	procedures	PERM 98-10-048
	MISC 98-13-040		MISC 98-01-136
	MISC 98-15-017	Meetings	MISC 98-02-045
TRANSPORTATION, DEPARTMENT OF			MISC 98-02-052
Adopt-a-highway program	PREP 98-12-095		MISC 98-03-006
Bicycle racing	EMER 98-03-009		MISC 98-03-014
	PROP 98-03-059		MISC 98-03-016
	PERM 98-06-029		MISC 98-03-038
City/county project coordination	PREP 98-16-014		MISC 98-03-039
Ferries			MISC 98-03-062
contractor prequalification	PREP 98-17-036		MISC 98-04-009
fare schedule	PROP 98-03-050		MISC 98-05-017
	PERM 98-08-051		MISC 98-05-029
preferential loading	PREP 98-17-076		MISC 98-05-047
Fishing from bridges, prohibition of	EXRE 98-13-060		MISC 98-06-049
	PERM 98-18-003		MISC 98-06-084
Highway access management			MISC 98-15-061
access control system	PREP 98-07-048		MISC 98-16-012
permits	PREP 98-07-049	Rules agenda	MISC 98-18-021
Lane use restrictions	PREP 98-04-044		MISC 98-02-082
	PROP 98-08-030		MISC 98-15-058
	PERM 98-12-062		
Limited access facilities	PREP 98-05-037	USURY RATES	
Limited access highways	PREP 98-10-089	(See inside front cover)	
Oversize and overweight permits			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

UTILITIES AND TRANSPORTATION COMMISSION

Heat suppliers EXRE 98-14-136

Low-level radioactive waste disposal rates PREP 98-06-050

Meetings MISC 98-10-065

Pipeline safety PREP 98-15-092

Property transfers PREP 98-16-011

Public records, accessibility PREP 98-14-137

Railroad companies weighing PERM 98-02-011

Securities, liens, affiliated interests, refunding of notes, and leases EXRE 98-14-135

Telecommunications

access charge reform PREP 98-14-138

application process PROP 98-11-082

"cramming" and "slamming," consumer protections PREP 98-13-117

customer proprietary network information PREP 98-15-093

interconnection agreement PROP 98-18-107

registration PROP 98-15-094

service obligation PREP 98-16-101

universal service PREP 98-07-111

PREP 98-10-080

Telephones

equal access dialing parity PREP 98-13-116

pay phone and operator service providers, level of service PROP 98-17-068

prepaid calling card services

billing exemption PERM 98-02-003

rules development PREP 98-05-055

schools and libraries, rates PERM 98-04-028

subscriber rates, calling areas PROP 98-03-011

PROP 98-12-071

telephone assistance program PREP 98-09-033

PROP 98-12-070

PERM 98-18-106

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

MISC 98-15-022

WASHINGTON STATE HISTORICAL SOCIETY

Capital projects fund PROP 98-04-059

PERM 98-11-005

Meetings MISC 98-01-089

MISC 98-05-018

Public records, availability PROP 98-04-060

PERM 98-07-071

WASHINGTON STATE LIBRARY

Library commission meetings MISC 98-04-008

MISC 98-04-048

MISC 98-06-034

MISC 98-09-025

MISC 98-10-057

MISC 98-12-009

MISC 98-12-025

MISC 98-14-010

MISC 98-17-024

MISC 98-17-097

WASHINGTON STATE PATROL

Background checks PREP 98-11-037

EXRE 98-14-023

PROP 98-15-055

Fire protection policy board meetings

MISC 98-01-214

MISC 98-02-025

MISC 98-04-013

Fireworks retail sale

PERM 98-04-007

EXRE 98-07-019

PERM 98-13-038

EMER 98-13-039

PERM 98-01-021

Kidnapping offender registration

Motor vehicles

agricultural operations

transporting hazardous materials

EMER 98-14-022

EXAD 98-14-024

backup alerts and rear crossview mirrors

PREP 98-14-049

PROP 98-18-073

lamp standards

PERM 98-04-054

lighting device standards

PERM 98-04-053

PREP 98-11-036

PROP 98-15-083

PERM 98-01-060

sound level measurement

special built vehicles, construction

and equipment

PERM 98-04-052

tire chains use

PREP 98-11-035

PROP 98-15-056

WENATCHEE VALLEY COLLEGE

Meetings

MISC 98-01-105

WESTERN WASHINGTON UNIVERSITY

Housing and dining

PREP 98-01-011

PROP 98-05-048

PERM 98-14-051

WHATCOM COMMUNITY COLLEGE

Meetings

MISC 98-04-030

MISC 98-08-033

MISC 98-08-048

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Meetings

MISC 98-01-216

MISC 98-06-068

MISC 98-09-007

MISC 98-10-036

MISC 98-10-085

MISC 98-11-054

MISC 98-14-054

MISC 98-17-048

Private vocational schools

PREP 98-14-088

PROP 98-17-052

YAKIMA VALLEY COMMUNITY COLLEGE

Meetings

MISC 98-01-040

Student rights and

responsibilities

PREP 98-07-007

