

September 15, 1999

OLYMPIA, WASHINGTON

ISSUE 99-18



## IN THIS ISSUE

Accountancy, Board of  
Aging and Adult Services Administration  
Agriculture, Department of  
Assistance Programs, Division of  
Basic Health Plan  
Bates Technical College  
Bellingham Technical College  
Big Bend Community College  
Business and Professions Division  
Centralia College  
Children's Administration  
Community and Technical Colleges,  
State Board for  
Community Economic Revitalization Board  
Community, Trade and Economic Development,  
Department of  
Ecology, Department of  
Economic Services Administration  
Edmonds Community College  
Education, State Board of  
Employment Security Department  
Financial Institutions, Department of  
Fish and Wildlife, Department of  
Forest Fire Advisory Board  
Freight Mobility Strategic Investment Board  
Gambling Commission  
General Administration, Department of  
Growth Management Hearings Boards  
Health Care Authority  
Health, Department of  
Information Services, Department of  
Insurance Commissioner's Office  
Labor and Industries, Department of  
Library Commission  
Library, Washington State  
Licensing, Department of  
Liquor Control Board  
Medical Assistance Administration  
Natural Resources, Department of  
Nursing Care Quality Assurance Commission  
Pharmacy, Board of  
Pierce College  
Real Estate Commission  
Revenue, Department of  
Secretary of State  
Securities Division  
Sentencing Guidelines Commission  
Skagit Valley College  
Social and Health Services, Department of  
Transportation, Department of  
Vocational Rehabilitation, Division on  
Volunteer Firefighters, Board for  
Washington State Patrol  
WorkFirst Division  
Workforce Training and Education Coordinating  
Board

(Subject/Agency index at back of issue)  
This issue contains documents officially  
filed not later than September 1, 1999

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## 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 September 1999 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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

POSTMASTER: SEND ADDRESS CHANGES TO:

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

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

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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].

1998 - 1999

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> 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

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

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

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

<sup>4</sup>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;

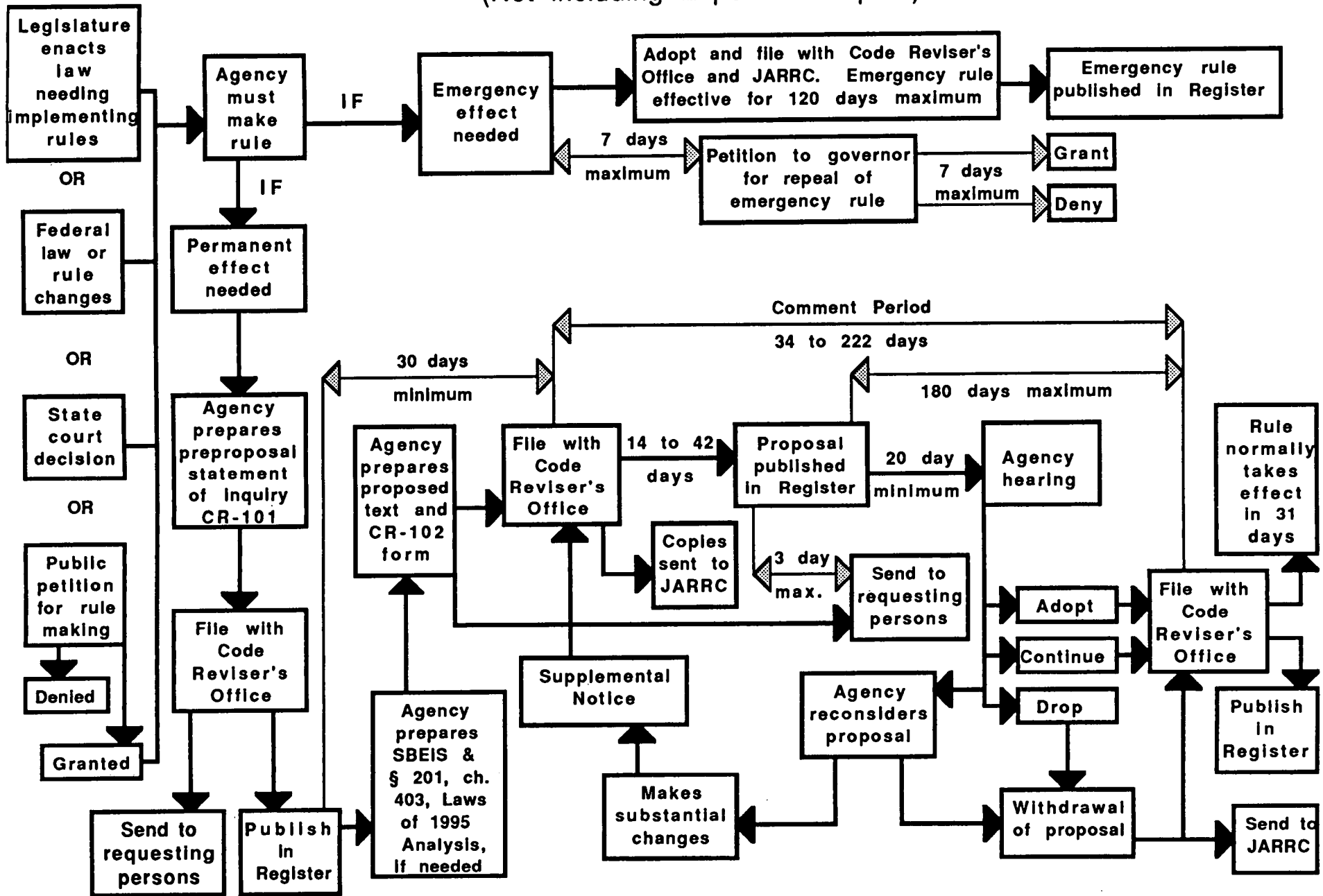
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 99-18-009****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed August 19, 1999, 3:10 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificate of title, including but not limited to WAC 308-93-079, 308-93-090, 308-93-100, 308-93-160, and 308-93-340.

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.

August 19, 1999

Deborah McCurley

Administrator

Title and Registration Services

**WSR 99-18-010****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed August 19, 1999, 3:12 p.m.]

Subject of Possible Rule Making: Chapter 308-97 WAC, Procedures for obtaining and using trip permits, to include but not limited to WAC 308-97-011.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.16.160, 82.38.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making required as a result of chapter 270 of the 1999 legislative session, implementation of the requirements of HB 2201.

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

Process for Developing New Rule: Negotiated rule making.

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

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

August 19, 1999

Jeff Beach

for Tom Brewer

Administrator

Prorate and Fuel Tax Services

**WSR 99-18-012****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
INFORMATION SERVICES**

[Filed August 19, 1999, 3:25 p.m.]

Subject of Possible Rule Making: Chapter 143-06 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.17 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update public records practice and procedures, correct description of composition of Information Services Board in WAC 143-06-030 to reflect statute, create new rule regarding software source code.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bradley J. Hillis, Assistant Manager, Contracts and Legal Affairs, Department of Information Services, 1110 Jefferson Street, P.O. Box 42445, Olympia, WA 98504-2445, phone (360) 902-3436, fax (360) 586-5885, e-mail bradh@dis.wa.gov.

August 19, 1999

Bradley J. Hillis

Assistant Manager

Contracts and Legal Affairs

**WSR 99-18-015****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Aging and Adult Services Administration)**

[Filed August 20, 1999, 11:36 a.m.]

Subject of Possible Rule Making: Dementia care units in licensed boarding homes, WAC 388-78A-335.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently WAC 388-78A-335 requires all dementia care units in boarding homes to have fire sprinkler systems and other environmental modifications installed by January 1, 2000. Also, by January 1,

2000, in dementia care units with doors that restrict egress, the doors must release automatically when a fire alarm system is activated. And for boarding home construction after June 30, 1995, doors with restricted egress must also have a delayed release "panic bar" or other delayed release door latching mechanism. Fire safety standards are being reviewed and may be revised. It may be more efficient to adopt a more current standard in the future rather than retain this standard for implementation on January 1, 2000.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Fire Marshal in the Washington State Patrol is responsible for fire safety inspections in boarding homes. Construction review services in the Department of Health is responsible for reviewing plans for construction/remodeling of boarding homes. Both of these offices will be advised of the issues and invited to attend public meetings, as well as submit written comments.

Process for Developing New Rule: Stakeholder meetings will be held to solicit ideas and comments from affected parties. Members of three associations representing boarding homes interests, the long-term care ombudsman program, construction review services, and the State Fire Marshal will be invited to attend, and other interested parties may attend the public meetings. DSHS welcomes the public to take part in amending this rule. Anyone interested in participating should contact the staff person indicated below. After an amended rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to the parties listed above and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Denny McKee, Policy and Training Unit, Aging and Adult Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 407-0120, e-mail mckeedd@dshs.wa.gov.

August 20, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

### WSR 99-18-033

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed August 25, 1999, 11:31 a.m.]

Subject of Possible Rule Making: To qualify the right of students to question and confront witnesses by recognizing exceptions thereto.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules do not recognize that there are valid exceptions to the exercise of any right to cross examine witnesses and therefore impede the efficient and effective administration of student discipline in those cases involving valid exceptions; and the matter is in

need of immediate clarification in light of the disruptive effects of the appellate court's decision in the *Stone v. Prosser School District* case and the imminent commencement of the 1999-2000 school year.

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

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

August 23, 1999

Larry Davis  
Executive Director

### WSR 99-18-037

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 25, 1999, 3:00 p.m.]

Subject of Possible Rule Making: Access stewardship decals, conservation patron donations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Maximize and improve the efficiency of public recreational opportunity without impairing wildlife populations.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Fraidenburg, Policy Assistant, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by October 15, 1999 (rule proposal filing expected to be November 3, 1999).

August 25, 1999

Evan Jacoby  
Rules Coordinator



**WSR 99-18-041**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 (Division of Assistance Programs)  
 [Filed August 25, 1999, 4:14 p.m.]

Subject of Possible Rule Making: WAC 388-450-195 Utility allowances for food assistance programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state is required to update the utility allowances standard once a year by federal food nutrition services. The allowances determine the benefit amount for food assistance recipients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Food Nutrition Services requires in C.F.R. 273.9 (d)(6)(l)(c)(vi) that Washington state update the utility standard allowance once a year. The updated figures are then submitted for approval.

Process for Developing New Rule: Submit draft rules for public comment process prior to actual filing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Brinkman, (360) 413-3091, fax (360) 413-3493, e-mail brinkmbm@dshs.wa.gov, Department of Social and Health Services, Division of Assistance Programs, 1009 College Street S.E., Lacey, WA 98503.

August 24, 1999

Marie Myerchin-Redifer  
 Manager

**WSR 99-18-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 [Filed August 25, 1999, 4:16 p.m.]

Subject of Possible Rule Making: To repeal and amend sections of WAC 388-15-196 through 388-15-19680 and 388-15-198. Revised sections will be reorganized and moved into chapter 388-71 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 1546 and ESHB 1880, not yet codified; RCW 74.08.090 and 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to these rules are necessary to:

(1) Incorporate provisions of ESHB 1546, Home Care Stabilization Act, which includes the ability to deny family providers as paid individual providers in certain situations, and to take action to suspend or terminate the individual provider contract when the consumer's health, safety, or well-being is in jeopardy or imminent jeopardy;

(2) Incorporate provisions of ESHB 1880, Self Directed Care, relating to provider training; background checks; disclosure of abuse, neglect, abandonment, and financial exploitation; provider registry requirements; and other quality assurance requirements;

(3) Meet regulatory improvement standards, per Executive Order 97-02; and

(4) Develop additional qualifications and requirements for individual providers and home care agency providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Aging and Adult Services Administration (AASA) will include the following agencies on mailings: Office of Attorney General, Governor's Committee on Disability Issues and Employment, Health Care Financing Administration.

Process for Developing New Rule: AASA will schedule informal meetings to allow for feedback and comments from the public. AASA will provide draft language before publishing rules and encourage stakeholders to submit written or verbal comments. When AASA files a notice of proposed rule making, we will notify interested parties of the scheduled hearing to adopt and how to submit comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sue McDonough, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 407-0331, TTY (360) 493-2637, fax (360) 438-8633, e-mail mcdonsc@dshs.wa.gov.

August 24, 1999

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**WSR 99-18-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 [Filed August 25, 1999, 4:17 p.m.]

Subject of Possible Rule Making: WAC 388-416-0015 Certification periods and 388-418-0025 Effect of changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090, as well as SSB 5416.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These WAC amendments are necessary to implement eligibility elements of the children's health insurance program.

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

Process for Developing New Rule: The department invites the interested public to review and provide input into the adopted language of this proposed WAC amendment. The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, WA 98504-5530, phone (360) 753-7462, e-mail SCOTSJK@DSHS.WA.GOV, fax (360) 753-7315, TDD 1-800-848-5429.

August 24, 1999  
Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**WSR 99-18-046**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed August 27, 1999, 8:20 a.m.]

**Subject of Possible Rule Making:** Game management units; muzzleloader area descriptions; hunting hours; small game seasons; private lands wildlife management areas; black bear/cougar seasons and regulations; big game and turkey auction permits and raffles; black bear special permits; wildlife rehabilitation.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 77.12.040 and 77.12.010.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Maximize public recreational opportunity without impairing wildlife populations. Additional requirements for permitted individuals who want to rehabilitate wildlife that may pose a threat to humans.

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

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by October 15, 1999 (rule proposal filing expected to be November 3, 1999).

August 26, 1999  
Evan Jacoby  
Rules Coordinator

**WSR 99-18-047**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed August 27, 1999, 8:23 a.m.]

**Subject of Possible Rule Making:** Listing the northern leopard frog, common loon, mardon skipper, and Olympic mudminnow as threatened, endangered or sensitive.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 77.12.020.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Update the endangered, threatened, and sensitive species list to reflect the current status of the species.

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

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Assistant Director, Wildlife Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by October 15, 1999 (rule proposal filing expected to be November 3, 1999).

August 26, 1999  
Evan Jacoby  
Rules Coordinator

**WSR 99-18-070**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed August 31, 1999, 10:14 a.m.]

**Subject of Possible Rule Making:** WAC 458-40-660 Timber excise tax—Stumpage value tables.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 82.32.330 and 84.33.096.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The law (RCW 84.33.091) requires that the stumpage value tables be revised twice each year. The stumpage values are established by the department so that timber harvesters are apprised of the timber values on which the timber excise tax is calculated.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Although the United States Forest Services and Washington State Department of Natural Resources both regulate forest practices, they are not involved in valuation for purposes of taxation. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

**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 should be submitted by the public meeting date to ensure full consideration, but will be accepted if they are received two weeks before the date of adoption. Written comments may be submitted by mail, fax, or public meeting. Oral comments will be accepted at the public meeting or later public hearing. A draft of the amended rule may be obtained after October 15, 1999, upon request. Written comments or requests for the draft rule may be directed to Ed Ratcliffe, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-3505, fax (360) 664-0693.

Location and Date of Public Meeting: Department of Revenue Conference Room, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on October 18, 1999, at 10 a.m.

August 31, 1999  
Claire Hesselholt  
Rules Manager  
Legislation and Policy

**WSR 99-18-079****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed August 31, 1999, 4:31 p.m.]

Subject of Possible Rule Making: Increase fees for podiatric medicine and surgery.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This program has a significant deficit from the previous biennium and is obligated to have sufficient funds to provide for current expenditures.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, Podiatric Medical Board, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4945, fax (360) 586-0745. The public and licensees may submit written comments or attend regular board meetings that this issue is on the agenda for discussion.

August 27, 1999  
M. C. Selecky  
Secretary

**WSR 99-18-080****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed August 31, 1999, 4:32 p.m.]

Subject of Possible Rule Making: Increase fees for osteopathic medicine and surgery.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This program has a significant deficit from the previous biennium and is obligated to have sufficient funds to provide for current expenditures.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arlene Robertson, Program Manager, Board of Osteopathic Medicine and Surgery, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4945, fax (360) 586-0745. The public and licensees may submit

written comments or attend regular board meetings that this issue is on the agenda for discussion.

August 27, 1999  
M. C. Selecky  
Secretary

**WSR 99-18-093****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed August 31, 1999, 5:02 p.m.]

Subject of Possible Rule Making: Recreational licenses. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.32.470, 77.32.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To reduce complexity in recreational license issuance and to generate revenue for the wildlife fund.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Ludwig, License Sales Manager, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2456, fax (360) 902-2945, e-mail ludwidkl@dfw.wa.gov.

August 31, 1999  
Evan Jacoby  
Rules Coordinator

**WSR 99-18-101****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

(Real Estate Commission)

[Filed September 1, 1999, 9:53 a.m.]

Subject of Possible Rule Making: Pursuant to the Real Estate Commission rules review plan in accordance with governor's executive order on regulatory improvement, the following rules chapters will be subject to review, possible amendment, new sections or repeal: Chapter 308-124H WAC.

In particular: WAC 308-124H-011 Course approval required, 308-124H-021 Approval of courses, 308-124H-025 Application for course approval, 308-124H-028 Certificate of completion, 308-124H-051 Disciplinary action—Procedures—Investigation, 308-124H-061 Grounds for denial or withdrawal of course approval, 308-124H-062 Hearing procedure, 308-124H-220 Approval of schools, 308-124H-230 Application for school approval, 308-124H-240 Administrator qualifications, 308-124H-260 Required publication, 308-124H-270 Course description, 308-124H-320 Hearing procedure, 308-124H-520 Approval of instructors, 308-124H-580

Hearing procedure, and 308-124H-800 Real estate course, school and instructor approval fees.

Also under consideration for rule change: WAC 308-124-021 Definitions and 308-124E-013(1) Administration of funds held in trust—Real estate and business opportunity transactions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040, the governor's executive order on regulatory improvement.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules review process is designed to streamline, eliminate or modernize rules that need attention in accordance with the department's regulatory improvement rule review plan. A revision to the broker's "pooled interest bearing" trust account rule is needed to conform with 1999 legislative action enacted under SB 5442. An additional rule is needed to define the statutory term "prospect procurement" as it relates to real estate licensees standards of practice.

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 including negotiated rule making with affected stakeholder groups.

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

August 25, 1999  
Fred Stephens  
Director

**WSR 99-18-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed September 1, 1999, 10:03 a.m.]

Subject of Possible Rule Making: Chapter 388-542 WAC, Children's health insurance program (CHIP) (new).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: CHIP is a new federal/state health insurance program authorized under Title XXI of the Social Security Act. This program is intended to cover children under the age of nineteen with a family income of 200% to 250% of the federal poverty level (FPL). Rules are needed to codify client eligibility, provider requirements, program coverage, and payment methodology.

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 William (Bill) Stoner, Program Manager, Medical Assistance Administration, P.O. Box 45536, Olympia, WA 98504-5536, phone (360) 586-3339, fax (360) 586-2388, e-mail stonewh@dshs.wa.gov.

September 1, 1999  
Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**WSR 99-18-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 1, 1999, 10:51 a.m.]

Subject of Possible Rule Making: Commercial fishing rules for herring and groundfish in Puget Sound.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Populations of many species of groundfish and of herring are declining in Puget Sound. Presently populations are at very low levels. Change in fishing regulations are needed to conserve these species.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lew Atkins, Assistant Director, Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2651. Contact by October 19, 1999. Expected proposal filing October 20, 1999.

September 1, 1999  
Denise R. Box  
for Evan Jacoby  
Rules Coordinator

**WSR 99-18-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SENTENCING GUIDELINES COMMISSION**

[Filed September 1, 1999, 11:42 a.m.]

Subject of Possible Rule Making: Establishing community custody ranges to be included in sentences for felonies committed on or after July 1, 2000.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5421 (section 3, chapter 196, Laws of

1999), amending RCW 9.94A.040(5); RCW 9.94A.040(6) (commission's rule-making authority under chapter 34.05 RCW).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Commission required by statute to propose community custody ranges by December 31, 1999, to become effective for crimes committed on or after July 1, 2000, without legislative approval.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Roger E. Goodman, Executive Director, Sentencing Guidelines Commission, P.O. Box 40927, Olympia, WA 98504-0927, phone (360) 956-2130, fax (360) 956-2149, e-mail goodmanr@sgc.wa.gov.

September 1, 1999

Roger E. Goodman

Executive Director

#### WSR 99-18-126

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 1, 1999, 11:46 a.m.]

Subject of Possible Rule Making: Chapter 308-57 WAC, Motor vehicle/excise tax, to include but not limited to WAC 308-57-005, 308-57-010, 308-57-020, 308-57-030, 308-57-110, 308-57-120, 308-57-130, 308-57-135, 308-57-140, 308-57-210, 308-57-230, and 308-57-240.

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

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

September 1, 1999

Deborah McCurley

Administrator

Title and Registration Services

#### WSR 99-18-127

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 1, 1999, 11:47 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Manufactured home certificates of ownership, to include but not limited to WAC 308-56A-500, 308-56A-505, 308-56A-510, and 308-56A-520.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 65.20.110.

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

September 1, 1999

Deborah McCurley

Administrator

Title and Registration Services

#### WSR 99-18-128

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 1, 1999, 11:48 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Procedures for reporting and collecting parking ticket violations, to include but not limited to WAC 308-96A-345, 308-96A-350, 308-96A-355, 308-96A-360, 308-96A-370, 308-96A-375, and 308-96A-380.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.12.040, 46.16.216.

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, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by

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

September 1, 1999  
Deborah McCurley  
Administrator  
Title and Registration Services

**WSR 99-18-129**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed September 1, 1999, 11:49 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Branding and special built vehicles, to include but not limited to WAC 308-56A-450, 308-56A-455, 308-56A-460, 308-56A-465, and 308-56A-470.

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

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

September 1, 1999  
Deborah McCurley  
Administrator  
Title and Registration Services

**WSR 99-18-130**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed September 1, 1999, 11:50 a.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, consent decree entered in *US v. Washington*, Civ. No. 9213-Ph 1, Nov. 1994, to include but not limited to WAC 308-96-700, 308-96-710, 308-96-720, 308-96-730, 308-96-740, 308-96-750, and 308-96-760.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 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, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

September 1, 1999  
Deborah McCurley  
Administrator  
Title and Registration Services

**WSR 99-18-131**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed September 1, 1999, 11:51 a.m.]

Subject of Possible Rule Making: Chapter 308-88 WAC, Rental car taxation and licensing, to include but not limited to WAC 308-88-010, 308-88-020, 308-88-030, 308-88-040, 308-88-050, and 308-88-170.

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

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TDD (360) 664-8885.

September 1, 1999  
Deborah McCurley  
Administrator  
Title and Registration Services

**WSR 99-18-133**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed September 1, 1999, 11:52 a.m.]

Subject of Possible Rule Making: Rules that are applicable to specific, retail liquor licensees. Rules that will be

reviewed are contained in chapter 314-12 WAC, General—  
Applicable to all licensees.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 66.08.030, 66.24.010, 66.24.015, 66.24.025,  
66.28.010, 66.08.130, 66.08.140, 66.08.150.

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The Liquor Control Board is  
currently undergoing a review of all of its rules to make them  
clear and usable, per Governor Locke's Executive Order 97-  
02. This notice concerns the board's intent to review its rules  
that are related to the liquor licensing process.

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

Interested parties can participate in the decision to adopt  
the new rule and formulation of the proposed rule before pub-  
lication by contacting Teresa Berntsen, Rules Coordinator,  
P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1648,  
fax (360) 704-4920, e-mail [teb@liq.wa.gov](mailto:teb@liq.wa.gov).

August 20, 1999  
Eugene Prince  
Chair





**WSR 99-18-097**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 1, 1999, 9:21 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-470-910, 16-470-915, and 16-470-920.

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: Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: The rules listed above for expedited repeal set forth a fee schedule that was only effective for one day (June 30, 1999). That fee schedule is no longer in effect, because these rules were superceded on July 1, 1999. In addition, none of the fees established by these rules were ever charged. These rules are not needed, as other sections of rule have an effective date of July 1, 1999, and establish the current fee schedule.

September 1, 1999  
Mary A. Martin Toohey  
Assistant Director

rules are not needed, as other sections of rule have an effective date of July 1, 1999, and establish the current fee schedule.

September 1, 1999  
Mary A. Martin Toohey  
Assistant Director

EXPEDITED REPEAL

**WSR 99-18-098**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 1, 1999, 9:23 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-401-020, 16-401-025, 16-401-030, and 16-401-040.

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: Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, Laboratory Services Division, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: The rules listed above for expedited repeal set forth a fee schedule that was only effective for one day (June 30, 1999). That fee schedule is no longer in effect, because these rules were superceded on July 1, 1999. In addition, none of the fees established by these rules were ever charged. These



**WSR 99-16-067**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed August 2, 1999, 3:21 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-23-093.

**Title of Rule:** WAC 388-513-1300 Applicability of alternate living and institutional rules (repealed); 388-513-1301 Definitions related to long term care (LTC) services (new); 388-513-1305 Determining eligibility for noninstitutional medical assistance in an alternate living facility (ALF) (amended); 388-513-1310 Resource standard—Institutional (repealed); 388-513-1315 Determining eligibility for long term care (LTC) services—Institutional, waived, and hospice services (amended); 388-513-1320 Determining institutional status for long term care (LTC) services (amended); 388-513-1325 Determining available income for a single client for long term care (LTC) services (new); 388-513-1330 Determining available income for legally married couples for long term care (LTC) services (amended); 388-513-1350 Defining the resource standard and determining available resources for long term care (LTC) services (amended); 388-513-1360 Determining excluded resources for long term care (LTC) services (amended); 388-513-1365 Evaluating the transfer of an asset made on or after March 1, 1997, for long term care (LTC) services (amended); 388-513-1366 Evaluating the transfer of an asset made before March 1, 1997, for long term care (LTC) services (new); 388-513-1395 Determining eligibility for institutional or hospice services and for facility care-only medically needy (MN) program (amended); 388-513-1396 Clients living in a fraternal, religious, or benevolent nursing facility (amended); 388-515-1510 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) (amended); and 388-515-1530 Coordinated community AIDS services alternatives (CASA) program (amended).

**Purpose:** To comply with the Governor's Executive Order 97-02 by rewriting the long term care (LTC) eligibility rules in a simpler, clearer, and more effective style for the regulated audience; to streamline and consolidate rules as much as possible; and to repeal rules no longer needed to manage the LTC medical assistance programs.

**Statutory Authority for Adoption:** RCW 11.92.180, 43.20B.460, 48.85.020, 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.09.575, 74.09.585; 20 C.F.R. 416.1110-1112, 1123, and 1160; 42 C.F.R. 435.403 (j)(2) and 1005; and Sections 17, 1915©, and 1924 (42 U.S.C. 1396) of the Social Security Act.

**Statute Being Implemented:** RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.09.575, 74.09.585.

**Summary:** Some LTC rules are being repealed (WAC 388-513-1300 and 388-513-1310), some new sections are being added (WAC 388-513-1301, 388-513-1325, and 388-513-1366, and the remaining rules are being reorganized and

retitled to make LTC eligibility easier for the regulated audience to read and understand.

**Reasons Supporting Proposal:** Regulated audience will better understand eligibility requirements for LTC medical assistance programs.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Stephen Kozak, Medical Assistance Administration, 617 8th Avenue S.E., Olympia, WA 98504, (360) 586-1034.

**Name of Proponent:** Department of Social and Health Services, Medical Assistance Administration, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Client eligibility rules for long term care (LTC) medical assistance programs are being reorganized and rewritten in an attempt to make them simpler, clearer, and easier to understand for the regulated audience. To that end, some of the LTC Washington Administrative Code sections are being streamlined, consolidated, or repealed, while some new sections have been added.

**Proposal Changes the Following Existing Rules:** Although there are no substantive changes to LTC policy, this proposal does change the organization of the information resulting in the consolidation of some WAC sections, the repeal of two other sections, and the addition of three new WAC sections.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These rules do not fit the definition of a significant legislative rule.

**Hearing Location:** Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on October, 5, 1999, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Paige Wall by September 24, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

**Submit Written Comments to:** Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by October 5, 1999.

**Date of Intended Adoption:** October 8, 1999.

July 27, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

### NEW SECTION

**WAC 388-513-1301 Definitions related to long-term care (LTC) services.** This section defines the meaning of certain terms used in chapters 388-513 and 388-515 WAC. Within these chapters, institutional, waived, and hospice services are referred to collectively as LTC services. Other terms related to LTC services that also apply to other programs are found in the sections in which they are used. Def-

initions of terms used in certain rules that regulate LTC programs are as follows:

**"Add-on hours"** means additional hours the department purchases from providers to perform medically-oriented tasks for clients who require extra help because of a hand-capping condition.

**"Alternate living facility (ALF)"** means one of the following that are contracted with the department to provide certain services:

(1) Adult family home (AFH) is a family home that provides its residents with personal care and board and room for one to six adults unrelated to the person(s) providing the care.

(2) Adult residential care facility (ARC) (formally known as a CCF) is a licensed facility that provides its residents with shelter, food, household maintenance, personal care and supervision.

(3) Adult residential rehabilitation center (ARRC) or Adult residential treatment facility (ARTF) is a licensed facility that provides its residents with twenty-four hour residential care for impairments related to mental illness.

(4) Assisted living facility (AL) is a licensed facility for aged and disabled low income persons with functional disabilities. COPES eligible clients are often placed in assisted living.

(5) Division of developmental disabilities (DDD) group home (GH) is a licensed facility that provides its residents with twenty-four hour supervision.

(6) Enhanced adult residential care facility (EARC) is a licensed facility that provides its residents with those services provided in an ARC, in addition to those required because of the client's special needs.

**"Annuity"** means a policy, certificate, or contract that is an agreement between two or more parties to purchase a right to receive periodic income of a specified amount for a specified period of time.

**"Assets"** means all the income and resources of the client and the client's spouse. This includes any income and resources they are entitled to but do not receive because of action by:

(1) The client or the spouse;

(2) An individual, court or administrative body, with legal authority to act in place of or on behalf of the client or the spouse; or

(3) An individual, court or administrative body, acting at the direction or upon the request of the client or the spouse.

**"Clothing and personal incidentals (CPI)"** means a standard allowance intended for clothing and other personal expenses for clients who live in a medical or alternate living facility. This allowance is sometimes referred to as the client's personal needs allowance (PNA).

**"Community alternatives program (CAP)"** means a Medicaid-waivered program that provides home and community-based services as an alternative to an institution for the mentally retarded (ICF-MR) to persons determined eligible for services from the Division of Developmental Disabilities (DDD).

**"Community options program entry system (COPES)"** means a Medicaid-waivered program that provides an aged or disabled person assessed as needing nursing

facility care with the option to remain at home or in an alternate living facility.

**"Community spouse (CS)"** means a person who does not receive institutional, waived, or hospice services and is legally married to an institutionalized client.

**"Comprehensive assessment (CA)"** means the evaluation process used by a department designated social worker to determine the client's need for long-term care services.

**"Coordinated community AIDS service alternative (CASA)"** means a Medicaid-waivered program that provides a person with Acquired Immune Deficiency Syndrome (AIDS) or Disabled Class IV Human Immunodeficiency Virus (HIV) and at risk of hospitalization with the option to remain at home or in an alternate living facility.

**"Fair market value (FMV)"** means the price an asset may reasonably be expected to sell for on the local market at the time of transfer or assignment. A transfer of assets for love and affection is not considered a transfer for FMV.

**"Federal benefit rate (FBR)"** means the basic benefit amount the Social Security Administration (SSA) pays to clients who are eligible for the Supplemental Security Income (SSI) program.

**"Hospice"** means a Medicaid program that provides a client with a terminal illness a variety of treatment alternatives that can be received either at home or in a nursing facility.

**"Institutional services"** means services paid for by Medicaid or state payment and provided in a nursing facility or equivalent care provided in a medical facility.

**"Institutional status"** means what is described in WAC 388-513-1320.

**"Institutionalized client"** means a client who has attained institutional status as described in WAC 388-513-1320.

**"Institutionalized spouse"** means a client who has attained institutional as described in WAC 388-513-1320 and is legally married to a person who is not an institutionalized client.

**"Legally married"** means persons legally married to each other under provision of Washington state law. Washington recognizes other states' legal and common-law marriages. Persons are considered married if they are not divorced, even when they are physically or legally separated.

**"Life estate"** means an ownership interest in property limited to the owner's lifetime or, in some cases, to a lesser period. Its duration depends upon the lifetime of the owner or on the occurrence of some specific event, such as remarriage of the owner. Ordinarily, the owner of a life estate has the right: of possession, to use the property, to sell interest in the life estate, and to any income produced by the life estate. A contract establishing the life estate may restrain one or more rights of the owner.

**"Likely to reside"** means there is a reasonable expectation the client will remain in a medical facility for thirty consecutive days. Once made, the determination stands, even if the client does not actually remain in the facility for that length of time.

PROPOSED

**"Long-term care (LTC) services"** means institutional, waived, and hospice services.

**"Look-back period"** means the number of months prior to the month of application for LTC services.

**"Maintenance needs amount"** means a monthly income amount a client keeps or that is allocated to a spouse or dependent family member who lives in the client's home.

**"Medical facility"** means an establishment that provides food, shelter, and medical care to four or more persons unrelated to the proprietor. (This definition does not include correctional facilities.) Medical facilities are limited to the following:

(1) A private or public medical facility licensed as a hospital and certified for Medicaid.

(2) Institution for mental disease (IMD), which is a hospital, nursing facility, or other facility of more than sixteen beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services.

(3) Institution for the mentally retarded (IMR), which is an institution that is primarily for the diagnosis, treatment, or rehabilitation of persons with mental retardation and related conditions. It provides, in a protected residential setting, ongoing care, twenty-four hour supervision, evaluation, and planning to help each person function at his/her greatest ability. Includes intermediate care facilities for the mentally retarded (ICF-MR).

(4) Nursing facility (NF), which is an institution or part of an institution licensed as a nursing facility or hospital which has a contract with DSHS to provide care for Medicaid clients.

(5) Residential habilitation center (RHC), which is a public ICF-MR that provides residential living, professional services and active treatment to persons diagnosed with mental retardation who require more care than can be provided at private facilities.

**"Medically intensive children (MIC)"** program means a Medicaid-waived program that enables medically fragile children under age eighteen to live in the community. The program allows them to obtain medical and support services necessary for them to remain at home or in a home setting instead of in a hospital. Eligibility is included in the OBRA program described in WAC 388-515-1510.

**"Non-institutional medical assistance"** means medical benefits provided by Medicaid or state-funded programs that do not include LTC services.

**"Nursing facility turnaround document (TAD)"** means the billing document nursing facilities use to request payment for institutionalized clients.

**"Outward bound residential alternative (OBRA)"** means a Medicaid-waived program that provides a person approved for services from the division of developmental disabilities (DDD) with the option to remain at home or in an alternate living facility.

**"Penalty period"** means a period of time for which a client is not eligible to receive LTC services.

**"Personal needs allowance (PNA)"** means a standard allowance for clothing and other personal needs for clients

who live in a medical or alternate living facility. This allowance is sometimes referred to as "CPI."

**"Prouty benefits"** means special "age seventy-two" Social Security benefits available to persons born before 1896 who are not otherwise eligible for Social Security.

**"Short stay"** means a person who has entered a medical facility but is not likely to remain institutionalized for thirty consecutive days.

**"Special income level (SIL)"** means the monthly income standard for the categorically needy (CN) program that is three hundred percent of the SSI Federal Benefit Rate (FBR).

**"SSI-related"** means an aged, blind, or disabled client who meets the requirements described in WAC 388-503-0510(1).

**"Swing bed"** means a bed in a medical facility that is contracted as both a hospital and a nursing facility bed.

**"Transfer of a resource or asset"** means any act or failure to act, by a person or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person.

**"Uncompensated value"** means the fair market value (FMV) of an asset at the time of transfer minus the value of compensation the person receives in exchange for the asset.

**"Undue hardship"** means the person is not able to meet shelter, food, clothing, or health needs.

**"Value of compensation received"** means the consideration the purchaser pays or agrees to pay. Compensation includes:

(1) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable purchase agreement whereby the person transfers the asset; and

(2) The payment or assumption of a legal debt the seller owes in exchange for the asset.

**"Veterans benefits"** means different types of benefits paid by the federal Department of Veterans Affairs (VA). Some may include additional allowances for:

(1) Aid and attendance for an individual needing regular help from another person with activities of daily living;

(2) Housebound for an individual who, when without assistance from another person, is confined to the home.

(3) Improved pension is the newest type of VA disability pension. It is available to veterans and their survivors whose income from other sources (including service connected disability) is below the improved pension amount.

(4) Unusual medical expenses (UME) are determined by the VA based on the amount of unreimbursed medical expenses reported by the person who receives a needs-based benefit. The VA can use UME to reduce countable income to allow the person to receive a higher monthly VA payment, a one-time adjustment payment, or both.

**"Waived Programs/Services"** means the federal government authorizes exceptions to Medicaid rules. Such programs are cost effective and provide to an eligible client a variety of services not normally covered under Medicaid. In Washington state, waived programs are CAP, CASA, COPES, MIC, and OBRA.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

**WAC 388-513-1305 (~~Maintenance standard~~)**  
**Determining eligibility for noninstitutional medical assistance in an alternate living facility (ALF).** ((1) The department shall ensure the categorically needy monthly standard for an SSI, SSI-related, or GAU client living in an adult family home (AFH), adult residential treatment facility (ARTF), adult residential rehabilitation center (ARRC), congregate care facility (CCF), or division of developmental disabilities (DDD) group home is the department cost standard of the facility plus a specified CPI.

(2) The department shall determine the medically needy monthly standard for an SSI-related client living in an AFH, ARTF, ARRC, CCF, or DDD group home to be the private facility rate based on a thirty-one day month plus a specified CPI.

(3) See ~~WAC 388-15-555, 388-15-568, and 388-478-0045~~ for the definition of "~~department cost standard.~~" The department shall ensure the monthly standard shall not exceed three hundred percent of the current SSI Federal Benefit Level.

(4) See chapters ~~388-450, 388-470, and 388-511 WAC and WAC 388-505-0595~~ for computation of available income and resources for an SSI-related person.

(5) See chapter ~~388-450 WAC~~ for computation of available income and resources for a GAU client)) This section describes how the department defines the monthly income standard and uses it to determine eligibility for noninstitutional medical assistance for a client who lives in a department-contracted ALF. Refer to WAC 388-478-0045 for the personal needs allowance (PNA) amount that applies in this rule.

(1) Alternate living facilities include the following:

- (a) An adult family home (AFH);
- (b) An adult residential care facility (ARC);
- (c) An adult residential rehabilitation center (ARRC);
- (d) An adult residential treatment facility (ARTF);
- (e) An assisted living facility (AL);
- (f) A division of developmental disabilities (DDD) group home (GH); and

(g) An enhanced adult residential care facility (EARC).

(2) The monthly income standard for noninstitutional medical assistance under the categorically needy (CN) program that cannot exceed the special income level (SIL) equals the following amounts. For a client who lives in:

(a) An ARC, an ARRC, an ARTF, an AL, a DDD GH, or an EARC, the department-contracted rate based on a thirty-one day month plus the PNA; or

(b) An AFH, the department-contracted rate based on a thirty-one day month plus the PNA plus the cost of any add-on hours authorized by the department.

(3) The monthly income standard for noninstitutional medical assistance under the medically needy (MN) program equals the private facility rate based on a thirty-one-day month plus the PNA.

(4) The monthly income standard for noninstitutional medical assistance under the general assistance (GA) pro-

gram equals the GA grant standard described in WAC 388-478-0030.

(5) The department determines a client's nonexcluded resources as described in chapter 388-470 WAC and WAC 388-505-0595.

(6) The department determines a client's nonexcluded income as described in chapter 388-450 WAC, WAC 388-505-0595, 388-506-0620, and 388-511-1130.

(7) The department approves CN noninstitutional medical assistance for a period of up to twelve months for a client who receives Supplemental Security Income (SSI) or who is SSI-related as described in WAC 388-503-0510(1), if:

(a) The client's nonexcluded resources described in subsection (5) do not exceed the standard described in WAC 388-513-1350(1); and

(b) The client's nonexcluded income described in subsection (6) does not exceed the CN standard described in subsection (2).

(8) The department approves MN noninstitutional medical assistance for a period of months described in chapter 388-416 WAC for an SSI-related client, if:

(a) The client's nonexcluded resources described in subsection (5) do not exceed the standard described in WAC 388-513-1350(1); and

(b) The client satisfies any spenddown liability as described in chapter 388-519 WAC.

(9) The department approves GA noninstitutional medical assistance for a period of months described in chapter 388-416 WAC for a client determined eligible for the program as described in WAC 388-400-0025.

(10) The client described in subsections (7) and (9) keeps the PNA amount and pays remaining income to the facility for board and room.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

**WAC 388-513-1315 Eligibility (~~determination~~)**  
**for long-term care (institutional, waived, and hospice) services.** ((1) A person is eligible for institutional care under the categorically needy program, if the person:

(a) Has achieved institutional status as described under WAC 388-513-1320; and

(b) Has gross nonexempt income:

(i) For an SSI-related person, no greater than three hundred percent of the SSI Federal Benefit Amount; or

(ii) For a TANF-related person, no greater than the one-person program standard as described under chapter 388-478 WAC.

(c) Has resources which are:

(i) Not exempt under WAC 388-513-1360 and 388-513-1365; and

(ii) Less than the standards under WAC 388-513-1310 and 388-513-1395; and

(d) Is not subject to a period of ineligibility for transferring of resources under WAC 388-513-1365.

(2) A person is eligible for institutional care under the limited-casualty program—medically needy, if the person meets the requirements in WAC 388-513-1395.

~~(3) For an AFDC or TANF related child under eighteen years of age residing or expected to reside in inpatient chemical dependency treatment or inpatient mental health treatment refer to chapters 388-408, 388-450, and 388-470 WAC.~~

~~(4) For other institutionalized persons twenty years of age or younger, the income and resources of the parents are not considered available unless the income and resources are actually contributed.~~

~~(5) A person is eligible for Medicaid who:~~

~~(a) Meets institutional status as a psychiatric facility resident; and~~

~~(b) Is twenty years of age or younger or is sixty five years of age or older.~~

~~(6) A client's income and resources are allocated as described under WAC 388-513-1380.~~

~~(7) When both spouses are institutionalized, the department shall determine the eligibility of each spouse individually.~~

~~(8) A person's transfer between medical institutions is not a change in institutional status)) This section describes how the department determines a client's eligibility for institutional, waived, or hospice services under the categorically needy (CN) program and institutional or hospice services under the medically needy (MN) program. Also described are the eligibility requirements for these services under the general assistance (GA) program in subsection (11) and emergency medical programs described in subsections (10) and (12).~~

~~(1) To be eligible for long-term care (LTC) services described in this section, a client must:~~

~~(a) Meet the general eligibility requirements for medical programs described in WAC 388-503-0505 (2) and (3)(a) through (f);~~

~~(b) Attain institutional status as described in WAC 388-513-1320; and~~

~~(c) Not be subject to a penalty period of ineligibility as described in WAC 388-513-1365 and 388-513-1366.~~

~~(2) To be eligible for institutional, waived, or hospice services under the CN program, a client must either:~~

~~(a) Be related to the Supplemental Security Income (SSI) program as described in WAC 388-503-0510(1) or be approved for the general assistance expedited Medicaid disability (GA-X) program; and~~

~~(b) Meet the following financial requirements, by having:~~

~~(i) Gross nonexcluded income described in subsection (7)(a) that does not exceed the special income level (SIL); and~~

~~(ii) Nonexcluded resources described in subsection (6) that do not exceed the resource standard described in WAC 388-513-1350(1), unless subsection (3) applies; or~~

~~(c) Be eligible for the CN children's medical program as described in WAC 388-505-0210; or~~

~~(d) Be eligible for the temporary assistance for needy families (TANF) program or state family assistance (SFA) program as described in WAC 388-505-0220.~~

~~(3) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eli-~~

~~gibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the SIL.~~

~~(4) To be eligible for waived or hospice services, a client must also meet the program requirements described in:~~

~~(a) WAC 388-515-1505 for COPES services;~~

~~(b) WAC 388-515-1510 for CAP and OBRA services;~~

~~(c) WAC 388-515-1530 for CASA services; or~~

~~(d) Chapter 388-551 WAC for hospice services.~~

~~(5) To be eligible for institutional or hospice services under the MN program, a client must:~~

~~(a) Be related to the SSI program as described in WAC 388-503-0510(1);~~

~~(b) Be eligible for the MN children's medical program as described in WAC 388-505-0210; and~~

~~(c) Meet all requirements described in WAC 388-513-1395.~~

~~(6) To determine resource eligibility for an SSI-related client under the CN or MN program, the department:~~

~~(a) Considers resources available as described in WAC 388-513-1350;~~

~~(b) Excludes resources described in WAC 388-513-1360, 388-513-1365, and 388-513-1366; and~~

~~(c) Compares the nonexcluded resources to the standard described in WAC 388-513-1350(1).~~

~~(7) To determine income eligibility for an SSI-related client under the CN or MN program, the department:~~

~~(a) Considers income available as described in WAC 388-513-1325 and 388-513-1330;~~

~~(b) Excludes income for CN and MN programs as described in WAC 388-513-1340;~~

~~(c) Disregards income for the MN program as described in WAC 388-513-1345; and~~

~~(c) Follows program rules for the MN program as described in WAC 388-513-1395.~~

~~(8) A client who meets the requirements of the CN program is approved for a period of up to twelve months for:~~

~~(a) Institutional services in a medical facility;~~

~~(b) Waived services at home or in an alternate living facility; or~~

~~(c) Hospice services at home or in a medical facility.~~

~~(9) A client who meets the requirements of the MN program is approved for a period of months described in WAC 388-513-1395 (5)(a)(ii) for:~~

~~(a) Institutional services in a medical facility; or~~

~~(b) Hospice services at home or in a medical facility.~~

~~(10) The department determines eligibility for LTC services under the alien emergency medical (AEM) program described in WAC 388-438-0110 for a client who meets all other requirements for such services but does not meet citizenship requirements.~~

~~(11) The department determines eligibility for institutional services under the GA program described in WAC 388-448-0001 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (10).~~

~~(12) The department determines eligibility for institutional services under the medically indigent program described in WAC 388-438-0100 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (8) through (11).~~

(13) A client is eligible for Medicaid as a resident in a psychiatric facility, if the client:

(a) Has attained institutional status as described in WAC 388-513-1320; and

(b) Is less than twenty-one years old or is at least sixty-five years old.

(14) The department determines a client's eligibility as it does for a single person when the client's spouse has already been determined eligible for LTC services.

(15) The department considers the parents' income and resources available as described in WAC 388-405-0055 (1)(c) for a minor who is less than eighteen years old and is receiving or is expected to receive inpatient chemical dependency and/or inpatient mental health treatment.

(16) The department considers the parents' income and resources available only as contributed for a client who is less than twenty-one years old and has attained institutional status as described in WAC 388-513-1320

(17) The department determines a client's participation in the cost of care for LTC services as described in WAC 388-513-1380.

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

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

WAC 388-513-1320 Determining institutional status for long-term care (LTC) services. ~~((+)) The department shall find that a person has achieved institutional status when the person is residing or expected to reside in a Medicaid-certified medical facility for a period of at least:~~

~~(a) Ninety consecutive days for TANF-related child seventeen years of age or younger in residential mental health or chemical dependency/substance abuse treatment; or~~

~~(b) Thirty consecutive days for an SSI-related person and TANF-related persons other than as described under subsection (1)(a) of this section.~~

~~(2) The department shall consider a person receiving waived program services or hospice services to have achieved institutional status.~~

~~(3) The department shall make medical assistance available to an otherwise eligible person who has achieved institutional status as described under subsection (1) or (2) of this section.~~

~~(4) The department shall not deny Medicaid eligibility to a person in a nursing facility:~~

~~(a) On the grounds that the person did not establish residence in this state before entering the nursing facility; and~~

~~(b) When the person meets residency requirements described under chapter 388-468 WAC at the time the person applies for medical assistance.)~~ Institutional status is an eligibility requirement for LTC services.

(1) To attain institutional status, a client must:

(a) Be approved for and receiving waived or hospice services; or

(b) Reside or be likely to reside in a medical facility for a continuous period of:

(i) Ninety days for a child seventeen years of age or younger receiving inpatient chemical dependency and/or inpatient mental health treatment; or

(ii) Thirty days for:

(A) An SSI-related client;

(B) A child not described in subsection (1)(b)(i); or

(C) A client related to medical eligibility as described in WAC 388-513-1315 (10), (11), or (12).

(2) A client's institutional status is not affected by a:

(a) Transfer between medical facilities; or

(b) Change from one kind of long-term care services to another.

(3) A client loses institutional status when the client:

(a) Is absent from the medical facility for at least thirty consecutive days; or

(b) Does not receive waived or hospice services for at least thirty consecutive days.

#### NEW SECTION

**WAC 388-513-1325 Determining available income for a single client for long-term care (LTC) services.** This section describes income the department considers available when determining a single client's eligibility for LTC services.

(1) Refer to WAC 388-513-1330 for rules related to available income for legally married couples.

(2) The department must apply the following rules when determining income eligibility for LTC services:

(a) WAC 388-450-0005 (3) and (4), Income—Ownership and availability;

(b) WAC 388-450-0085, Self-employment income—Allowable expenses;

(c) WAC 388-450-0210 (4)(b), (e), and (h), Countable income for medical programs;

(d) WAC 388-506-0620, SSI-related medical clients; and

(e) WAC 388-511-1130, SSI-related income availability.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

**WAC 388-513-1330 ((Institutional—)) Determining available income for legally married couples for long-term care (LTC) services.** ~~((+)) Income is defined under chapters 388-450 and 388-511 WAC for a SSI-related client and under chapter 388-450 WAC for a TANF-related client.~~

~~(2) The methodology and standards for determining and evaluating income are defined under chapter 388-513 WAC.~~

~~(3) The department shall consider the following income available to an institutionalized person when determining income eligibility unless the criteria in subsection (4) of this section is met:~~

~~(a) Income the institutionalized spouse receives in the institutionalized spouse's name;~~

~~(b) Income paid on the behalf of the institutionalized spouse, but received in the name of the institutionalized spouse's representative;~~



~~(e) One half of the income the community and institutionalized spouses receive in both names; and~~

~~(d) Income from a trust as provided by the trust.~~

~~(4) The department shall consider income as available to an institutionalized person when:~~

~~(a) Both spouses are institutionalized; or~~

~~(b) An institutionalized person has a community spouse and income in excess of three hundred percent of the SSI federal benefit rate (FBR). For the determination of eligibility only:~~

~~(i) Use community property law in determining ownership of income for purposes of Medicaid eligibility;~~

~~(ii) Presume all income received after marriage by husband or wife to be community income;~~

~~(iii) Divide the total of the community income, by two assigning one half of the total to each person; and~~

~~(iv) Consider if the community income received in the name of the nonapplying spouse exceeds the community income received in the name of the applying spouse, the applicant's interest in that excess shall be unavailable to the applicant.~~

~~(5) The department shall consider income the community spouse receives in the community spouse's name as unavailable to the institutionalized spouse.~~

~~(6) The department shall consider an agreement between spouses transferring or assigning rights to future income from one spouse to the other spouse, or to a trust for the benefit of the other spouse, to the extent the income is not derived from a resource which has been transferred, as invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.~~

~~(7) The department shall consider any agreement or trust transferring or assigning rights to future income, to the extent the income is not derived from a resource which has been transferred, as invalid in determining eligibility for medical assistance or the limited casualty program for the medically needy.~~

~~(8) The department shall consider income produced by transferred or assigned resources as the separate income of the transferee.~~

~~(9) When an institutionalized spouse establishes the unavailability of income by a preponderance of evidence through a fair hearing, subsection (3) of this section shall not apply.~~

~~(10) See WAC 388-511-1130 for treatment of advance dated checks, and electronically transferred funds)) This section describes income the department considers available when determining a legally married client's eligibility for LTC services.~~

~~(1) The department must apply the following rules when determining income eligibility for LTC services:~~

~~(a) WAC 388-450-0005 (3) and (4), Income—Ownership and availability;~~

~~(b) WAC 388-450-0085, Self-employment income—Allowable expenses;~~

~~(c) WAC 388-450-0210 (4)(b), (e), and (h), Countable income for medical programs;~~

~~(d) WAC 388-506-0620, SSI-related medical clients; and~~

(e) WAC 388-511-1130, SSI-related income availability.

(2) For an institutionalized client married to a community spouse who is not applying or approved for LTC services, the department considers the following income available, unless subsection (4) applies:

(a) Income received in the client's name;

(b) Income paid to a representative on the client's behalf;

(c) One-half of the income received in the names of both spouses; and

(d) Income from a trust as provided by the trust.

(3) The department considers the following income unavailable to an institutionalized client:

(a) Separate or community income received in the name of the community spouse; and

(b) Income established as unavailable through a fair hearing.

(4) For the determination of eligibility only, if available income described in subsections (2)(a) through (d) minus income exclusions described in WAC 388-513-1340 exceeds the special income level (SIL), then:

(a) The department follows community property law when determining ownership of income;

(b) Presumes all income received after marriage by either or both spouses to be community income; and

(c) Considers one-half of all community income available to the institutionalized client.

(5) If both spouses are either applying or approved for LTC services, then:

(a) The department allocates one-half of all community income described in subsection (4) to each spouse; and

(b) Adds the separate income of each spouse respectively to determine available income for each of them.

(6) The department considers income generated by a transferred resource to be the separate income of the person or entity to which it is transferred.

(7) The department considers income not generated by a transferred resource available to the client, even when the client transfers or assigns the rights to the income to:

(a) The spouse; or

(b) A trust for the benefit of the spouse.

(8) The department evaluates the transfer of a resource described in subsection (6) according to WAC 388-513-1365 and 388-513-1366 to determine whether a penalty period of ineligibility is required.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

WAC 388-513-1350 ((~~Institutional~~)) **Defining the resource standard and determining available resources for long-term care (LTC) services.** This section ((describes those resources which are considered available to an institutionalized client.

(1) Resources are defined under chapter 388-470 WAC for an SSI-related client and a TANF-related client.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-513-1310, 388-513-1350, and 388-513-1360. Transfers of resources are

evaluated under WAC 388-513-1365. Trusts are described under WAC 388-505-0595.

(3) "Continuously institutionalized" means a person is residing in a nursing facility or receiving home-based or community-based waived services and the person has not had an absence or break in receiving services of thirty consecutive days.

(4) For a person whose most recent period of continuous institutionalization began on or before September 30, 1989:

(a) Available resources are one-half of the total value of nonexempt resources held in the:

(i) Names of both the institutionalized spouse and the community spouse; or

(ii) Name of the institutionalized spouse only.

(b) Unavailable resources are:

(i) The other half of the total value of nonexempt resources determined under subsection (3)(a) of this section;

(ii) Held solely in the name of the community spouse; or

(iii) Transferred between spouses as described under subsection (4)(b) of this section.

(5) For a person, whose most recent period of continuous institutionalization starts on or after October 1, 1989, available resources include all nonexempt resources in the name of either the community spouse or the institutionalized spouse except:

(a) The following resources are exempt when the institutionalized person has a community spouse:

(i) One vehicle without regard to use or value; and

(ii) Effective January 1, 1998, eighty thousand seven hundred sixty dollars; or

(b) An amount greater than the amount in subsection (4)(a)(ii) of this section if:

(i) Established by a fair hearing under chapter 388-08 WAC when the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(ii) Transferred to the community spouse by court order.

(6) Resources of the institutional spouse must be transferred to the community spouse or to another person for the sole benefit of the community spouse:

(i) Before the first regularly scheduled eligibility review;

or

(ii) As soon as possible, taking into account the time necessary to obtain a court order for the support of the community spouse.

(7) The resources of the community spouse are:

(a) Unavailable to the institutionalized spouse;

(i) The month after the institutionalized spouse is determined eligible for institutional benefits; and

(ii) While the institutionalized spouse is continuously institutionalized.

(b) Available to the institutionalized spouse when the institutionalized spouse:

(i) Acquires resources which, when added to resources held by the institutionalized spouse, exceed the one person resource maximum, if the most recent period of institutionalization began on or after October 1, 1989; or

(ii) Is not continuously institutionalized)) describes how the department defines the resource standard and available resources when determining a client's eligibility for LTC ser-

VICES. The department uses the term "resource standard" to describe the maximum amount of resources a client can have and be resource eligible for program benefits.

(1) The resource standard used to determine eligibility for LTC services equals:

(a) Two thousand dollars for a single client; or

(b) Three thousand dollars for a legally married couple, unless subsection (2) applies.

(2) If the department has already established eligibility for one spouse, then it applies the standard described in subsection (1)(a) to each spouse, unless doing so would make one of the spouses ineligible.

(3) The department must apply the following rules when determining available resources for LTC services:

(a) WAC 388-470-0005, Resource eligibility and limits;

(b) WAC 388-470-0010, How to determine who owns a resource;

(c) WAC 388-470-0015, Availability of resources; and

(d) WAC 388-506-0620, SSI-related medical clients.

(4) The department determines a client's nonexcluded resources used to establish eligibility for LTC services in the following way:

(a) For an SSI-related client, the department reduces available resources by excluding resources described in WAC 388-513-1360;

(b) For an SSI-related client who has a community spouse, the department:

(i) Excludes resources described in WAC 388-513-1360; and

(ii) Adds together the available resources of both spouses according to subsection (5)(a) or (b) as appropriate;

(c) For a client not described in subsection (4)(a) or (b), the department applies the resource rules of the program used to relate the client to medical eligibility.

(5) A change in federal law that took effect on October 1, 1989 affects the way the department determines available resources of a legally married client. If the client's current period of institutional status began:

(a) On or after that date, the department adds together the total amount of nonexcluded resources held in the name of:

(i) Either spouse; or

(ii) Both spouses.

(b) Before that date, the department adds together one-half the total amount of nonexcluded resources held in the name of:

(i) The institutionalized spouse; or

(ii) Both spouses;

(6) If subsection (5)(a) applies, the department allocates the maximum amount of resources ordinarily allowed by law to the community spouse before determining nonexcluded resources used to establish eligibility for the institutionalized spouse. The maximum allocation amount is eighty-one thousand, nine hundred and sixty dollars effective January 1, 1999.

(7) The amount of allocated resources described in subsection (6) can be increased, only if:

(a) A court transfers additional resources to the community spouse; or

(b) An administrative law judge establishes in a fair hearing described in chapter 388-08 WAC that the amount is

inadequate to provide a minimum monthly maintenance needs amount for the community spouse.

(8) The department considers resources of the community spouse unavailable to the institutionalized spouse the month after eligibility for LTC services is established, unless subsections (9)(a), (b), or (c) apply.

(9) A redetermination of the couples' resources as described in subsections (4)(b) or (c) is required, if:

(a) The institutionalized spouse has a break of at least thirty consecutive days in a period of institutional status;

(b) The institutionalized spouse's nonexcluded resources exceed the standard described in subsection (1)(a), if subsection (5)(a) applies; or

(c) The institutionalized spouse does not transfer the amount described in subsections (6) or (7) to the community spouse or to another person for the sole benefit of the community spouse as described in WAC 388-513-1365(4) by either:

(A) The first regularly scheduled eligibility review; or

(B) The reasonable amount of additional time necessary to obtain a court order for the support of the community spouse.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

WAC 388-513-1360 ((Resource exemptions)) **Determining excluded resources for long-term care (LTC) services.** ((1) In determining eligibility, the department shall exempt resources specified under chapter 388-470-WAC.

(2) Effective July 1, 1996, the department shall exempt resources:

(a) For an aged, blind, or disabled person who has purchased a long-term care insurance policy approved by the Washington insurance commissioner under the Washington long-term care partnership program; and

(b) In an amount equal to the extent such policy has paid for licensed nursing facility and/or home and community-based services covered under Medicaid.

(3) The department shall consider exempt resources described under subsection (2) of this section subject to estate recovery rules when the client has retained such resources.

(4) The department shall apply WAC 388-513-1365 for transfers of resources with the exception of resources exempted under subsection (2) of this section)) This section describes resources the department excludes when determining a client's eligibility for LTC services.

(1) Effective July 1, 1996, if an aged, blind, or disabled client purchases a long-term care insurance policy approved by the Washington insurance commissioner under the Washington long-term care partnership program, the department reduces the client's available resources by the amount paid by the policy for LTC services. The amount the department excludes in this process is not subject to the rules described in WAC 388-513-1365 and 388-513-1366 for a transfer of assets.

(2) The amount of resources described in subsection (1) remains subject to estate recovery rules, if the client retained ownership of them.

(3) If a client has a community spouse, the value of one automobile is excluded regardless of its use or value. This is in addition to the vehicle described in WAC 388-470-0070, if the client's current period of institutional status began on or after October 1, 1989.

(4) For SSI-related clients, the department excludes resources described in WAC 388-470-0040.

(5) For clients who are not SSI-related, the department excludes resources according to the rules of the program used to relate them to medical eligibility.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

WAC 388-513-1365 **Evaluating the transfer of an asset(s) made on or after March 1, 1997 for long-term care (LTC) services.** ((1) The terms in this section shall have the following definitions:

(a) "**Assets**" means all income and resources of a client and the client's spouse, including such income or resources the person is entitled to but does not receive because of action by:

(i) The client or the client's spouse;

(ii) A person, court or administrative body, with legal authority to act in place of or on behalf of the client or the client's spouse; or

(iii) A person, court or administrative body, acting at the direction or upon the request of the client or the client's spouse.

(b) "**Community spouse**" means the person married to an institutionalized client.

(c) "**Fair market value (FMV)**" means the price the asset may reasonably sell for on the open market at the time of transfer or assignment. A transfer of assets for love and affection is not considered a transfer for FMV.

(d) "**Institutional services**" means a level of care provided in a nursing facility, equivalent nursing facility in a medical institution, or in a home-based or community-based program under WAC 388-515-1505 or 388-515-1510.

(e) "**Institutional spouse**" means a client who meets the requirements of subsection (1)(f) of this section and is married to a spouse who is not:

(i) In a medical institution;

(ii) In a nursing facility; or

(iii) Receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510.

(f) "**Institutionalized client**" means a person who is:

(i) An inpatient in a nursing facility;

(ii) An inpatient in a medical institution where the payment is made for a level of care provided in a nursing facility; or

(iii) In need of the level of care provided in a nursing facility or medical institution, but receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510; and

(iv) Expected to be in a nursing facility, in a medical institution, or receiving home-based or community-based services under WAC 388-515-1505 or 388-515-1510 for thirty consecutive days or more.

(g) **"Transfer"** means any act or omission to act, by a client or a nonapplying joint tenant, whereby title to or any interest in property is assigned, set over, or otherwise vested or allowed to vest in another person, including but not limited to:

- (i) Delivery of personal property;
- (ii) Bills of sale, deeds, mortgages, and pledges; or
- (iii) Any other instrument conveying or relinquishing an interest in property.

(h) **"Uncompensated value"** means the FMV of an asset at the time of transfer minus the value of compensation the person receives in exchange for the resource.

(i) **"Undue hardship"** means the client's inability to meet shelter, food, clothing, and health needs.

(j) **"Value of compensation received"** means the consideration the purchaser pays or agrees to pay. Compensation includes:

- (i) All money, real or personal property, food, shelter, or services the person receives under a legally enforceable agreement whereby the eligible client shall transfer the resource; and
- (ii) The payment or assumption of a legal debt the client owes in exchange for the resource.

(2) The department shall not impose any penalty for the transfer of any exempt asset for less than FMV except as specified under subsection (11) of this section when the client transfers the client's home.

(3) The department shall determine whether the client or the client's spouse transferred an asset within a look back period of the following duration:

(a) Thirty months when determining eligibility for services received:

- (i) On or before September 30, 1993; or
- (ii) On or after October 1, 1993, with respect to transfers of assets on or before August 10, 1993;

(b) Thirty six months when determining eligibility for services on or after October 1, 1993, with respect to transfers of assets on or after August 11, 1993; or

(c) Sixty months when determining eligibility for services received on or after October 1, 1993, and all or part of the transferred assets are placed in a trust established on or after August 11, 1993, and all or part of the assets are deemed transferred as described under WAC 388-505-0595.

(4) The department shall consider the look back period as the number of months described under subsection (3) of this section but not including any month before August, 1993 in the case of subsections (3)(b) and (3)(c) of this section, before the first day of the month the client:

(a) Becomes an institutionalized person, if the client is eligible for medical assistance on that date; or

(b) Applies for institutional care when the client is not eligible for medical assistance as of the date the client initially became institutionalized.

(5) The department shall calculate a period of ineligibility for nursing facility services, equivalent nursing facility services in a medical institution, and services described under WAC 388-515-1505 and 388-515-1510, for the institutionalized client when the client or the client's spouse transfers an

asset for less than FMV during or after the look back periods as described under subsections (3) and (4) of this section.

(6) When the client or the client's spouse has transferred assets, the department shall establish a period of ineligibility:

(a) Under subsection (7) of this section for assets transferred on or before August 10, 1993;

(b) Under subsection (8) of this section for assets transferred on or after August 11, 1993 and on or before February 28, 1997; and

(c) Under subsection (9) of this section for assets transferred on or after March 1, 1997.

(7) With respect to transfers of assets on or before August 10, 1993, and in any month within the applicable look back period, the department shall establish a period of ineligibility which:

(a) Begins the first day of the month in which the assets were transferred;

(b) Is the lesser of:

(i) Thirty months; or

(ii) The number of whole months found by dividing the total uncompensated value of the assets transferred in the month by the state wide average monthly cost of nursing facility services to a private patient at the time of the application; and

(c) Runs concurrently when transfers of assets have been made in multiple months during the look back period.

(8) With respect to transfers of assets on or after August 11, 1993 and on or before February 28, 1997, and in any month within the applicable look back period occurring on or after August 11, 1993, the department shall establish a period of ineligibility as follows:

(a) For such transfers during the look back period:

(i) The period of ineligibility shall begin on the first day of the month in which such assets were transferred; and

(ii) Equal the number of whole months found by dividing the total, cumulative uncompensated value of all such assets transferred during the look back period by the state wide average monthly cost of nursing facility services to a private patient at the time of application.

(b) For such transfers of assets made while receiving medical assistance as an institutionalized client, or for such transfers made during a period of ineligibility established under this section:

(i) The period of ineligibility shall begin on the first day of the month in which such assets were transferred, or after the expiration of all other periods of ineligibility established under this section, whichever is later; and

(ii) Equal the number of whole months found by dividing the total, uncompensated value of such transferred assets by the state wide average monthly cost of nursing facility services to a private patient at the time of application.

(9) With respect to transfers of assets on or after March 1, 1997 and in any month within the applicable look back period occurring on or after August 11, 1993, the department shall:

(a) For a single transfer or multiple transfers within a single month during the look back period:

(i) Add the value of all transferred assets;

(ii) Divide the total value of all transferred assets by the statewide average monthly cost of nursing facility services to a private patient at the time of application; and

(iii) Establish a period of ineligibility:

(A) Equal to the number of whole months as established under subsection (9)(a)(i) and (ii) of this section; and

(B) Which begins on the first day of the month of transfer.

(b) For multiple transfers during multiple months during the look-back period:

(i) Treat assets transferred in each month as a separate event with its own period of ineligibility;

(ii) Divide the total value of assets transferred in a month by the statewide average monthly cost of nursing facility services to a private patient at the time of application; and

(iii) Establish multiple periods of ineligibility:

(A) Equal to the number of whole months as established under subsection (9)(b)(i) and (ii) of this section; and

(B) Which begin the latter of:

(I) The first day of the month of each transfer; or

(II) The first day of the month following the expiration of a previously computed period of ineligibility.

(10) The department shall not consider gifts or donations totaling one thousand dollars or under in any month as transfers of assets under subsections (7), (8), or (9) of this section.

(11) The department shall not find the institutionalized client ineligible for institutionalized services when the transferred asset was a home and the home was transferred to the client's:

(a) Spouse; or

(b) Child who is:

(i) Blind, or permanently and totally disabled; or

(ii) Twenty years of age or under.

(c) Sibling who has:

(i) Equity in the home; and

(ii) Lived in the home for at least one year immediately before the client became institutionalized.

(d) Child, other than described under subsection (11)(b) of this section who:

(i) Lived in the home for two years or more immediately before the client became institutionalized; and

(ii) Provided care to the client to permit the client to remain at home.

(12) The department shall not find the institutionalized client ineligible for institutionalized services if the asset other than the home was transferred:

(a) To the client's spouse or to another person for the sole benefit of the client's spouse;

(b) From the client's spouse to another person for the sole benefit of the client's spouse;

(c) To the client's blind or permanently and totally disabled child, or to a trust established solely for the benefit of such child; or

(d) To a trust established solely for the benefit of a person sixty-four years of age or younger who is disabled according to SSI criteria.

(13) The department shall only consider a transfer of assets or trust established under subsection (12) of this section for the sole benefit of the named person when:

(a) The transfer or trust document provides for the expenditure of funds for the benefit of the person; and

(b) Such expenditures must be on a basis that is actuarially sound, based on the life expectancy of the person.

(14) The department shall consider a transfer of asset or trust established under subsection (12) of this section which does not meet the criteria found under subsection (13) of this section under subsection (7), (8), or (9) of this section.

(15) The department shall not find a person ineligible under this section when the client can satisfactorily show the department that:

(a) The client intended to transfer the asset at FMV or other valuable consideration;

(b) The client transferred the asset exclusively for a purpose other than to qualify for medical assistance;

(c) All assets transferred by the client for less than FMV have been returned to the client; or

(d) The client's denial of eligibility would cause an undue hardship.

(16) The department shall not impose a period of ineligibility on a client unless the client is subject to a period of ineligibility, as calculated under this section, with respect to any month for which eligibility for institutional services is sought.

(17) A client or the spouse of such a client, the department determines ineligible under this section, may request a hearing to appeal the determination of ineligibility. The procedure for the hearing is described under chapter 388-08 WAC.

(18) The department shall:

(a) Exempt cash received from the sale, transfer, or exchange of an asset to the extent that the cash is used for an exempt asset within the same month, except as specified under chapter 388-470 WAC; and

(b) Consider any cash remaining as an available asset.

(19) When the transfer of an asset has resulted in a period of ineligibility for one spouse, the department shall not impose a period of ineligibility for the other spouse for the transfer of the same asset.

(20) The department shall disregard the transfer of assets to a family member when:

(a) The family member has received the assets for providing care to the client which keeps the client out of a nursing facility;

(b) The client and the family member initiated a written agreement at the time the care began; and

(c) The written agreement states:

(i) The fair market value of the care; and

(ii) That the care is to be paid from the assets of the client.

(21) When the fair market value of the care described under subsection (20) of this section is less than the value of the transferred asset, the department shall consider the difference as the transfer of an asset without adequate consideration.

(22) The department shall consider the transfer of an asset in exchange for care given by a family member without a written agreement as described under subsection (20) of this section as a transfer of an asset without adequate consideration.

~~(23) When the transfer of an asset includes the right to receive a stream of income received on a regular basis which has been transferred to a spouse, to the extent the income is not derived from a transferred resource, the department shall consider such a transfer under WAC 388-513-1330(6).~~

~~(24) When the transfer of an asset includes the right to receive a stream of income received on a regular basis which has been transferred to a person other than a spouse, to the extent the income is not derived from a transferred resource, the department shall:~~

~~(a) Add the total amount of income expected to be transferred during the person's lifetime, based on an actuarial projection of the person's life expectancy to the extent the income is not derived from a transferred resource; and~~

~~(b) Divide the total value of the transferred income by the statewide average monthly cost of nursing facility services to a private patient at the time of application; and~~

~~(c) Establish a period of ineligibility:~~

~~(i) Equal to the number of whole months as established under subsection (24)(a) and (b) of this section; and~~

~~(ii) Which begins the latter of:~~

~~(A) The first day of the month the person transferred the income stream; or~~

~~(B) The first day of the month following the expiration of a previously computed period of ineligibility)) This section describes how the department evaluates the transfer of an asset made on or after March 1, 1997, by a client who is applying or approved for LTC services. The department must consider whether a transfer made within a specified time before the month of application requires a penalty period in which the client is not eligible for these services. Refer to WAC 388-513-1366 for rules used to evaluate the transfer of an asset made before March 1, 1997.~~

~~(1) The department disregards the following transfers by the client, if they meet the conditions described:~~

~~(a) Gifts or donations totaling one thousand dollars or less in any month;~~

~~(b) The transfer of an excluded resource described in WAC 388-513-1360 with the exception of the client's home, unless the transfer meets the conditions described in subsection (1)(d);~~

~~(c) The transfer of an asset for less than fair market value (FMV), if the client can provide evidence to the department that satisfies one of the following:~~

~~(i) An intent to transfer the asset at FMV or other adequate compensation;~~

~~(ii) The transfer is not made to qualify for LTC services;~~

~~(iii) The client is given back ownership of the asset;~~

~~(iv) The denial of eligibility would result in an undue hardship.~~

~~(d) The transfer of ownership of the client's home, if it is transferred to the client's:~~

~~(i) Spouse; or~~

~~(ii) Child, who:~~

~~(A) Meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c); or~~

~~(B) Is less than twenty-one years old; or~~

~~(iii) A son or daughter, who:~~

~~(A) Lived in the home for at least two years immediately before the client's current period of institutional status; and~~

~~(B) Provided care that enabled the client to remain in the home; or~~

~~(iv) A brother or sister, who has:~~

~~(A) Equity in the home, and~~

~~(B) Lived in the home for at least one year immediately before the client's current period of institutional status.~~

~~(e) The transfer of an asset other than the home, if the transfer meets the conditions described in subsection (4), and the asset is transferred:~~

~~(i) To the client's spouse or to another person for the sole benefit of the spouse;~~

~~(ii) From the client's spouse to another person for the sole benefit of the spouse;~~

~~(iii) To the client's child who meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c) or to a trust established for the sole benefit of this child; or~~

~~(iv) To a trust established for the sole benefit of a person who is sixty-four years old or younger and meets the disability criteria described in WAC 388-511-1105 (1)(b) or (c).~~

~~(f) The transfer of an asset to a member of the client's family in exchange for care the family member provided the client before the current period of institutional status, if a written agreement that describes the terms of the exchange:~~

~~(i) Was established at the time the care began;~~

~~(ii) Defines a reasonable FMV for the care provided that reflects a time frame based on the actuarial life expectancy of the client who transfers the asset; and~~

~~(iii) States that the transferred asset is considered payment for the care provided.~~

~~(2) When the fair market value of the care described in subsection (1)(f) is less than the value of the transferred asset, the department considers the difference the transfer of an asset without adequate consideration.~~

~~(3) The department considers the transfer of an asset in exchange for care given by a family member without a written agreement as described under subsection (1)(f) as the transfer of an asset without adequate consideration.~~

~~(4) The transfer of an asset or the establishment of a trust is considered to be for the sole benefit of a person described in subsection (1)(e), if the transfer or trust:~~

~~(a) Is established by a legal document that makes the transfer irrevocable; and~~

~~(b) Provides for spending all funds involved for the benefit of the person for whom the transfer is made within a time frame based on the actuarial life expectancy of that person.~~

~~(5) When evaluating the effect of the transfer of an asset on a client's eligibility for LTC services received on or after October 1, 1993, the department counts the number of months before the month of application to establish what is referred to as the "look-back" period. The following number of months apply as described:~~

~~(a) Thirty-six months, if all or part of the assets were transferred on or after August 11, 1993; and~~

~~(b) Sixty months, if all or part of the assets were transferred into a trust as described in WAC 388-505-0595.~~

~~(6) If a client or the client's spouse transfers an asset within the look-back period without receiving adequate compensation, the result is a penalty period in which the client is not eligible for LTC services. If a client or the client's spouse~~

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transfers an asset on or after March 1, 1997, the department must establish a penalty period as follows:

(a) If a single or multiple transfers are made within a single month, then the penalty period:

(i) Begins on the first day of the month in which the transfer is made; and

(ii) Ends on the last day of the number of whole months found by dividing the total uncompensated value of the assets by the statewide average monthly private cost for nursing facilities at the time of application.

(b) If multiple transfers are made during multiple months, then the transfers are treated as separate events and multiple penalty periods are established that:

(i) Begin on the latter of:

(A) The first day of the month in which the transfer is made; or

(B) The first day after any previous penalty period has ended; and

(ii) End on the last day of the whole number of months as described in subsection (6)(a)(ii).

(7) If an asset is sold, transferred, or exchanged, the portion of the proceeds:

(a) That is used within the same month to acquire an excluded resource described in WAC 388-513-1360 does not affect the client's eligibility;

(b) That remains after an acquisition described in subsection (7)(a) becomes an available resource as of the first day of the following month.

(8) If the transfer of an asset to the client's spouse includes the right to receive a stream of income not generated by a transferred resource, the department must apply rules described in WAC 388-513-1330 (6) through (8).

(9) If the transfer of an asset for which adequate compensation is not received is made to a person other than the client's spouse and includes the right to receive a stream not generated by a transferred resource, the length of the penalty period is determined and applied in the following way:

(a) The total amount of income that reflects a time frame based on the actuarial life expectancy of the client who transfers the income is added together;

(b) The amount described in (9)(a) is divided by the statewide average monthly private cost for nursing facilities at the time of application; and

(c) A penalty period equal to the number of whole months found by following subsections (9)(a) and (b) is applied that begins on the latter of:

(i) The first day of the month in which the client transfers the income; or

(ii) The first day of the month after any previous penalty period has ended.

(10) A penalty period for the transfer of an asset that is applied to one spouse is not applied to the other spouse, unless:

(a) Both spouses are receiving LTC services; and

(b) A division of the penalty period between the spouses is requested.

(11) If a client or the client's spouse disagrees with the determination or application of a penalty period, that person may request a fair hearing as described in chapter 388-08 WAC.

## NEW SECTION

**WAC 388-513-1366 Evaluating the transfer of an asset made before March 1, 1997 for long-term care (LTC) services.** This section describes how the department evaluates the transfer of an asset made before March 1, 1997, by a client who is applying or approved for LTC services. The department must consider whether a transfer made within a specified time before the month of application requires a penalty period in which the client is not eligible for these services. Refer to WAC 388-513-1365 for rules used to evaluate the transfer of an asset on or after March 1, 1997.

(1) When evaluating the transfer of an asset made before March 1, 1997, the department must apply rules described in WAC 388-513-1365 (1) through (4) and (7) through (11) in addition to the rules described in this section.

(2) When evaluating the effect of the transfer of an asset on a client's eligibility for LTC services received before October 1, 1993, the department counts the number of months before the month of application to establish what is referred to as the "look-back" period. The following number of months apply as described:

(a) Thirty months, if the asset was transferred before August 11, 1993; or

(b) Thirty-six months, if the asset was transferred on or after August 11, 1993.

(3) If a client or the client's spouse transferred an asset without receiving adequate compensation before August 11, 1993, the department must establish a penalty period that:

(a) Runs concurrently for transfers made in more than one month in the look-back period; and

(b) Begins on the first day of the month in which the asset is transferred and ends on the last day of the month which is the lesser of:

(i) Thirty months after the month of transfer; or

(ii) The number of whole months found by dividing the total uncompensated value of the assets by the statewide average monthly private cost for nursing facilities at the time of application.

(4) If a client or the client's spouse transferred an asset without receiving adequate compensation on or after August 11, 1993 and before March 1, 1997, the department must establish a penalty period as follows:

(a) If the transfer is made during the look-back period, then the penalty period:

(i) Begins on the first day of the month in which the transfer is made; and

(ii) Ends on the last day of the number of whole months described in subsection (3)(b)(ii).

(b) If the transfer is made while the client is receiving LTC services or during a period of ineligibility, then the penalty period:

(i) Begins on the latter of the first day of the month:

(A) In which the transfer is made; or

(B) After a previous penalty period has ended; and

(ii) Ends on the last day of the number of whole months described in subsection (3)(b)(ii).

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

**WAC 388-513-1395 (~~Institutional~~) Determining eligibility for institutional or hospice services and for facility care only under the medically needy (MN) program.** (~~((1) The department shall consider a person institutionalized when the person resides in or is expected to reside in a medical facility for thirty consecutive days or more.~~

(a) ~~The department shall determine:~~

(i) ~~An SSI/SSP-related person in a medical facility as medically needy when the person's gross income exceeds three hundred percent of the SSI benefit amount;~~

(ii) ~~A TANF-related child in a medical facility as medically needy if countable income exceeds the one person TANF grant standard; and~~

(iii) ~~A TANF-related adult as ineligible.~~

(b) ~~The department shall determine a client ineligible for the medically needy program when the countable income is more than the private nursing facility rate plus verifiable recurring medical expenses.~~

(c) ~~The department shall determine countable income of a medically needy client residing in a nursing facility by deducting the following amounts from gross income:~~

(i) ~~Amounts that would be deducted in determining eligibility for TANF or SSI/SSP; and~~

(ii) ~~Previously incurred medical expenses not subject to third-party payment and which are the current liability of the client.~~

(d) ~~The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are less than the department's contracted rate plus verifiable recurring medical expenses. These clients shall:~~

(i) ~~Participate in the cost of nursing facility care per WAC 388-513-1380 for post-eligibility allocation of income and post-eligibility allocation of resources; and~~

(ii) ~~Be certified for a three-, six-, or twelve-month period as described under chapters 388-416 and 388-519 WAC.~~

(e) ~~The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are:~~

(i) ~~Less than the private nursing facility rate plus recurring medical expenses; but~~

(ii) ~~More than the department's contracted rate.~~

(f) ~~The client shall:~~

(i) ~~Participate in the cost of nursing facility care. See WAC 388-513-1380 for post-eligibility allocation of income;~~

(ii) ~~Spenddown all income remaining after allocating income to the department's contracted rate to be eligible for nonnursing facility medical care. The department shall only certify medical assistance for noninstitutional eligibility after spenddown has been met; and~~

(iii) ~~Choose a certification period of three or six months for nursing facility care. The department shall determine spenddown of a person's nonnursing facility medical expenses be on a three-month or six-month basis.~~

(g) ~~For the effect of a social absence from an institutional living arrangement, see WAC 388-97-280.~~

(h) ~~The department shall not change a client's institutional status when the client is transferred between institutions.~~

(2) ~~The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-513-1310 and 388-513-1360)) This section describes how the department determines a client's eligibility for institutional or hospice services and for facility care only under the MN program. In addition, this section describes rules used by the department to determine whether a client approved for these benefits is also eligible for noninstitutional medical assistance under the MN program.~~

(1) To be eligible for institutional or hospice services under the MN program, a client must meet the financial requirements described in subsection (5)(a). In addition, a client must meet program requirements described in WAC 388-513-1315; and

(a) Be an SSI-related client with nonexcluded income as described in subsection (4)(a) that is more than the special income level (SIL); or

(b) Be a child not described in subsection (1)(a) with nonexcluded income as described in subsection (4)(b) that exceeds the categorically needy (CN) standard for the children's medical program.

(2) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total is less than the:

(a) Private facility rate plus the amount of recurring medical expenses, for institutional services; or

(b) Private hospice rate plus the amount of recurring medical expenses, for hospice services received at home.

(3) The department determines a client's nonexcluded resources for institutional and hospice services under the MN program in the following way:

(a) For an SSI-related client, the department reduces available resources described in WAC 388-513-1350 by excluding resources described in WAC 388-513-1360;

(b) For a child not described in subsection (3)(a), no determination of resource eligibility is required.

(4) The department determines a client's nonexcluded income for institutional and hospice services under the MN program in the following way:

(a) For an SSI-related client, the department reduces available income by:

(i) Excluding income described in WAC 388-513-1340;  
(ii) Disregarding income described in WAC 388-513-1345; and

(iii) Subtracting previously incurred medical expenses that:

(A) Are not subject to third-party payment;

(B) Have not been used to satisfy a previous spenddown liability; and

(C) Are amounts for which the client remains liable.

(b) For a child not described in subsection (4)(a), the department:



(i) Follows the income rules described in WAC 388-505-0210 for the children's medical program; and

(ii) Subtracts the medical expenses described in subsection (4)(a)(iii).

(5) If the combined total of a client's nonexcluded income, which when added to nonexcluded resources in excess of the standard described in WAC 388-513-1350(1), is:

(a) Less than the department-contracted rate plus the amount of recurring medical expenses, the client:

(i) Is eligible for institutional and hospice services and noninstitutional medical assistance;

(ii) Is approved for a choice of three or six months as described in chapter 388-416 WAC; and

(iii) Participates in the cost of care as described in WAC 388-513-1380;

(b) Less than the private facility rate plus the amount of recurring medical expenses, but more than the department-contracted rate, the client:

(i) Is eligible for facility care only that is approved for a choice of three or six months as described in chapter 388-416 WAC;

(ii) Participates in the cost of care as described in WAC 388-513-1380; and

(iii) Is approved for noninstitutional medical assistance for a choice of three or six months as described in chapters 388-416 and 388-519 WAC, if income and resources remaining after allocations described in WAC 388-513-1380 are used to satisfy any spenddown liability.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-513-1396 Clients living in a fraternal, religious, or benevolent nursing facility.** ~~((1) The department shall find an otherwise eligible client, residing in a nursing facility operated by a fraternal, religious, or benevolent organization:~~

~~(a) Eligible for medical care when the:~~

~~(i) Facility is licensed as a nursing facility; and~~

~~(ii) Contract between the client and the nursing facility excludes free or prepaid institutional and/or medical care for life; or~~

~~(iii) Nursing facility is unable to fulfill the terms of the contract and has:~~

~~(A) Voided the contract; and~~

~~(B) Refunded to the client any existing assets of the client;~~

~~(b) Ineligible for institutional and/or medical care when a contract between the client and the facility includes free or prepaid institutional and/or medical care for life.~~

~~(2) The department shall consider available to the client all assets of a fraternal, religious, or benevolent organization when the client:~~

~~(a) Signs a contract with the organization that includes free or prepaid institutional and/or medical care for the life of the client; and~~

~~(b) Surrenders income and/or resources to the organization in exchange for such care)~~ This section describes how the department determines eligibility for institutional ser-

vices and noninstitutional medical assistance for a client living in a fraternal, religious, or benevolent nursing facility.

(1) For a client living in a licensed nursing facility operated by a fraternal, religious, or benevolent organization who meets all other eligibility requirements, the department approves institutional services and noninstitutional medical assistance, if:

(a) Any contract between the client and the facility excludes such benefits on a free or prepaid basis for life; or

(b) The facility is unable to fulfill the terms of the contract and has:

(i) Voided the contract; and

(ii) Refunded any of the client's existing assets to the client.

(2) For a client described in subsection (1), the department denies institutional services and noninstitutional medical assistance, if the client:

(a) Signs a contract with the organization that includes such benefits on a free or prepaid basis for life; and

(b) Surrenders income and/or resources to the organization in exchange for such benefits.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-513-1300      Applicability of alternate living and institutional rules.

WAC 388-513-1310      Resource standard—Institutional.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

**WAC 388-515-1510 Community alternatives program (CAP) and outward bound residential alternatives (OBRA).** ~~((1) The department shall determine an eligible person for CAP is a person:~~

~~(a) Meeting the requirements and eligible for division of developmental disabilities (DDD) services and disabled according to SSI rules;~~

~~(b) Meeting the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of CAP and OBRA, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status is met;~~

~~(c) The department assesses as requiring the level of care provided in an intermediate care facility for the mentally retarded (IMR);~~

~~(d) For whom the department approves an individual plan of care describing the provided community support services; and~~

~~(e) Able and choosing to reside in the community with community support services according to the plan of care.~~

~~(2) The department shall determine an eligible person for the OBRA home-based and community-based services program is a person:~~

(a) Meeting the CAP eligibility standards in WAC 388-515-1510(1); and

(b) Residing in a Medicaid nursing facility at the time of application for OBRA services;

(3) The department shall not require participation in the cost of CAP or OBRA services by a person:

(a) Receiving SSI; or

(b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant.

(4) The department shall allocate available total income, including amounts disregarded in determining eligibility, of a SSI-related CAP or OBRA client as follows:

(a) For a client living in the client's residence, including a client receiving intensive tenant support services, the department shall use an amount equal to a maximum of three hundred percent of the SSI Federal Benefit Rate for one person for the client's maintenance needs;

(b) For a client residing in a state contracted or state-operated group home, adult family home, or congregate care facility, the department shall use the following amounts for the client's maintenance needs:

(i) A specified personal needs allowance, as described under WAC 388-478-0045;

(ii) An amount equal to the monthly room and board cost for the facility where the client resides;

(iii) The first twenty dollars per month of earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(c) For a client described in (b) of this subsection, the maximum amount allowed for any client's individual maintenance needs shall not exceed three hundred percent of the SSI Federal Benefit Rate. The department shall not allow a client an individual maintenance needs deduction of less than the SSI payment standard;

(d) For a client with a spouse at home who is not receiving CAP or OBRA services, the department shall allocate an amount for the spouse's maintenance needs as computed under WAC 388-513-1380(3)(b);

(e) For a client with a dependent relative living with the spouse not receiving CAP or OBRA services, the department shall designate an amount for the relative's maintenance needs as computed in WAC 388-513-1380(3)(e);

(f) The department shall use amounts for incurred medical expenses not subject to third party payment, including:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered under Medicaid.

(g) The department shall ensure income remaining after deductions in (a), (b), (c), (d), (e), and (f) of this subsection will be the participation amount for CAP or OBRA services)) This section describes the eligibility requirements for waived services under the CAP and OBRA programs and the rules used to determine a client's participation in the cost of care.

(1) The department establishes eligibility for CAP and OBRA services for a client who:

(a) Is both Medicaid eligible under the categorically needy (CN) program and meets the requirements for services

provided by the division of developmental disabilities (DDD);

(b) Has attained institutional status as described in WAC 388-513-1320;

(c) Has been assessed as requiring the level of care provided in an intermediate care facility for the mentally retarded (IMR);

(d) Has a department-approved plan of care that includes support services to be provided in the community;

(e) Is able to reside in the community according to the plan of care and chooses to do so;

(f) Meets the income and resource requirements described in subsection (2); and

(g) For the OBRA program only, the client must be a medical facility resident at the time of application.

(2) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the special income level (SIL). Refer to WAC 388-513-1315 for rules used to determine nonexcluded income and resources. During other months, financial requirements include the following:

(a) Nonexcluded income must be at or below the SIL; and

(b) Nonexcluded resources must be at or below the resource standard.

(3) A client who is eligible for supplemental security income (SSI) does not participate in the cost of care for CAP or OBRA services.

(4) An SSI-related client retains a maintenance needs amount of up to the SIL, who is:

(a) Living at home; or

(b) Living in an alternate living facility described in WAC 388-513-1305(1).

(5) A client described in subsection (4)(b) retains the greater of:

(a) The SSI grant standard; or

(b) An amount equal to a total of the following:

(i) A personal needs allowance (PNA) of:

(A) Thirty-eight dollars and eighty-four cents; or

(B) Ninety dollars, if the client is a veteran or veteran's surviving spouse who has no dependents and receives an improved pension; plus

(ii) The facility's monthly rate for board and room, which the client pays to the facility; plus

(iii) The first twenty dollars of monthly earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(6) If a client has a spouse in the home who is not receiving CAP or OBRA services, the department allocates the client's income in excess of the amounts described in subsections (4) and (5) as an additional maintenance needs amount in the following order:

(a) One for the spouse, as described in WAC 388-513-1380(2)(c); and

(b) One for any other dependent family member in the home, as described in WAC 388-513-1380(2)(d).

(7) A client's participation in the cost of care for CAP or OBRA services is the client's income:

(a) That exceeds the amounts described in subsections (4), (5), and (6); and

(b) Remains after deductions for medical expenses not subject to third-party payment for which the client remains liable, included in the following:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered by Medicaid.

AMENDATORY SECTION (Amending WSR 99-06-045, filed 2/26/99, effective 3/29/99)

**WAC 388-515-1530 Coordinated community AIDS services alternatives (CASA) program.** ~~((1) The department shall determine that a person is eligible for CASA if the person:~~

~~(a) Meets the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of CASA, the department shall consider a person institutionalized the date the person meets eligibility criteria, except institutionalized status;~~

~~(b) Has a diagnosis of:~~

~~(i) Acquired immune deficiency syndrome or disabling Class IV human immunodeficiency virus disease; or~~

~~(ii) P2 HIV/AIDS diagnosis, if fourteen years of age or under.~~

~~(e) Is determined medically at risk of need for the level of hospital provided care;~~

~~(d) Is certified by the person's physician or nurse practitioner as in the terminal state of life;~~

~~(e) Agrees to receive services in the person's own home, a licensed congregate care facility, or adult family home;~~

~~(f) Has a plan of care approved by the department and the department of health; and~~

~~(g) Does not have private insurance, including COBRA extensions, that covers inpatient hospital care.~~

~~(2) The department shall not require participation in the cost of CASA services by a person:~~

~~(a) Receiving SSI; or~~

~~(b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant.~~

~~(3) The department shall allocate available total income, including amounts disregarded in determining eligibility of a SSI-related CASA client residing at home, as follows:~~

~~(a) The client retains as maintenance needs an amount equal to the special income level (SIL) for one person; and~~

~~(b) As described under WAC 388-513-1380 (1), (2), (3)(b), (c) and (d), (4), and (5).~~

~~(4) The department shall allocate available total income, including amounts disregarded in determining eligibility of a CASA client residing in an adult family home or congregate care facility, as follows:~~

~~(a) The client shall retain a specified personal needs allowance as described under WAC 388-478-0045;~~

~~(b) As described under WAC 388-513-1380 (1), (2), (3)(b), (c) and (d), (4), (5), and (6); and~~

~~(e) Pay remaining income up to the SIL to the facility for the cost of board and room.~~

~~(5) The SSI-related CASA client's income remaining after deductions in subsection (3) or (4) of this section shall be the participation amount for CASA services.~~

~~(6) When the department has determined that the client has financial participation under subsection (5) of this section, the department shall require the client to meet the participation obligation to remain eligible)) This section describes the eligibility requirements for waived services under the CASA program and the rules used to determine a client's participation in the cost of care.~~

(1) The department establishes eligibility for CASA services for a client who:

(a) Meets the disability criteria of the supplemental security income (SSI) program as described in WAC 388-503-0510(1);

(b) Has attained institutional status as described in WAC 388-513-1320;

(c) Has been diagnosed with:

(i) Acquired Immune Deficiency Syndrome (AIDS) or disabling Class IV human immunodeficiency virus disease; or

(ii) P2 HIV/AIDS, if fourteen years old or younger;

(d) Has been certified by the client's physician or nurse practitioner to be in the terminal state of life;

(e) Has been assessed as being medically at risk for needing inpatient care;

(f) Has a plan of care approved by the department and the department of health (DOH);

(g) Does not have private insurance, including a COBRA extension, that covers inpatient hospital care;

(h) Is able to live at home or in an alternate living facility (ALF) described in WAC 388-513-1305(1) and chooses to do so; and

(i) Meets the income and resource requirements described in subsection (2).

(2) The department allows a client to have nonexcluded resources in excess of the standard described in WAC 388-513-1350(1) during the month of either an application or an eligibility review if, when excess resources are added to nonexcluded income, the combined total does not exceed the special income level (SIL). Refer to WAC 388-513-1315 for rules used to determine nonexcluded income and resources. During other months, financial requirements include the following:

(a) Nonexcluded income must be at or below the SIL; and

(b) Nonexcluded resources must be at or below the resource standard.

(3) A client who is eligible for SSI does not participate in the cost of care for CASA services.

(4) An SSI-related client retains a maintenance needs amount, if:

(a) Living at home, of up to the SIL; or

(b) Living in an ALF described in WAC 388-513-1305(1), of thirty-eight dollars and eighty-four cents.

(5) The income of a client described in subsections (4)(a) or (b) that exceeds the maintenance needs amount is allocated

PROPOSED

as described in WAC 388-513-1380 (1), (2)(b) through (e); (3), and (4).

(6) The income of a client described in subsection (4)(b) that exceeds the maintenance needs amount and the amount described in subsection (5) is paid to the facility for the cost of board and room up to an amount that is equal to the difference between the:

(a) Amount of the SIL; and

(b) The combined total of amounts described in subsections (4)(b) and (5).

(7) A client's participation in the cost of care for CASA services is the amount of income that remains after allocations described in subsections (4), (5), and (6).

(8) The client must meet any participation obligation, in order to remain eligible.

### WSR 99-17-086

#### PROPOSED RULES

### OLYMPIC AIR POLLUTION CONTROL AUTHORITY

[Filed August 17, 1999, 9:28 a.m.]

Original Notice.

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

Title of Rule: Amend Olympic Air Pollution Control Authority (OAPCA) Regulation 1 Article 5 Registration and Article 7 Notice of Construction.

Purpose: Revise exemption lists for Registration and Notice of Construction programs. Simplify Notice of Intent to Operate to one section in Article 7.

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

Summary: This proposal will revise the list of sources that are exempt from the registration and notice of construction programs. This proposal also combines the notice of intent to operate into one new section (7.02).

Reasons Supporting Proposal: To address discrepancies between registration and notice of construction, incorporate current OAPCA policies, and simplify the regulation.

Name of Agency Personnel Responsible for Drafting: Jennifer DeMay, 909 Sleater Kinney Road S.E., #1, 438-8768; Implementation and Enforcement: Charles Peace, 909 Sleater Kinney Road S.E., #1, 438-8768.

Name of Proponent: Olympic Air Pollution Control Authority (OAPCA), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal will revise the list of sources that are exempt from the registration and notice of construction programs. This proposal is anticipated to have little or no effect on sources since most changes are part of current OAPCA policy.

Proposal Changes the Following Existing Rules: Revisions were made to the list of sources exempt from registration to address discrepancies and incorporate current OAPCA policies. The list of sources that require notice of construc-

tion was removed and a reference to the exemption list in Article 5 Registration was included.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the Regulatory Fairness Act (chapter 19.85 RCW) because air pollution control authorities are not deemed state agencies (RCW 70.94.141).

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: Olympic Air Pollution Control Authority, 909 Sleater Kinney Road S.E., #1, Lacey, WA 98503, on October 13, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Craig Weckesser by October 6, 1999, (360) 438-8768.

Submit Written Comments to: Charles Peace, fax (360) 491-6308, by October 13, 1999.

Date of Intended Adoption: October 13, 1999.

August 16, 1999

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 5,000 ((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 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, 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 six (6) ((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.

TRUE VAPOR PRESSURE means the equilibrium partial pressure exerted by the stored organic compound at:

(a) the annual average temperature of the organic compound as stored; or

(b) at the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.

## AMENDED SECTION

### SECTION 5.01 REGISTRATION REQUIRED

(a) All air contaminant sources within the jurisdiction of the Authority, except the sources listed in 5.01 (b) below, as now constituted or as hereafter amended, and except sources with or applying for an air operating permit pursuant to RCW 70.94.161, shall be registered with the authority. Notwithstanding any other subsection of this section, the following sources shall be registered with the Authority.

(1) Any category of stationary sources to which a federal standard of performance applies; or

(2) Any source subject to a national emission standard for hazardous air pollutants.

~~(b) ((The))~~ Except as provided in subsection (a) of this article, the following source and equipment types are exempt from registration requirements under Article 5 ((:)). All sources exempt from Article 5 are still required to comply with the other requirements of this regulation.

~~((1) Air conditioning or ventilating systems not designed to remove contaminants generated by or released from equipment.~~

~~(2) Atmosphere generators used in connection with metal heat treating processes.~~

~~(3) Blast cleaning equipment which use a suspension of abrasive in liquid water.~~

~~(4) Foundry sand mold forming equipment, unheated.~~

~~(5) Fuel burning equipment which:~~

~~(i) is used solely for a private dwelling serving two families or less; or~~

~~(ii) has an energy input of less than 1 million Btu<sub>(HHV)</sub> per hour.~~

~~(6) Fumigation vaults.~~

~~(7) Insecticide spray equipment, non-commercial.~~

~~(8) Internal combustion engines, including gas turbine and jet engines, except for the following sources:~~

~~(i) Stationary gas turbines engines and stationary internal combustion engines for which a United States Environmental Protection Agency (EPA) New Source Performance Standard has been adopted;~~

~~(ii) Stationary internal combustion engines rated at 1000 horse power <sup>(mechanical)</sup> or more.~~

~~(9) Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.~~

~~(10) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.~~

~~(11) Surface coating by use of aqueous solution or suspension.~~

~~(12) Steam cleaning equipment used exclusively for that purpose.~~

~~(13) Storage tanks, reservoirs or containers storing volatile organic compounds:~~

~~(i) of a capacity of 55 gallons or less; or~~

~~(ii) of a capacity of 10,000 gallons or less used for storage of gasoline; or~~

PROPOSED

(iii) Of a capacity of 2,000 gallons or less used for storage of substances with a true vapor pressure less than 0.01 kPa (0.002 psia):

(14) Vacuum cleaning systems used exclusively for office or residential housekeeping:

(15) Vacuum producing devices used in laboratory operations and vacuum producing devices which do not remove or convey air contaminants from or to another source:

(16) Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves; or

(iii) Storage tanks.

(17) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process:

(18) Water cooling towers and cooling ponds except for barometric condensers:

(19) Welding, brazing or soldering equipment:

(20) Asphalt laying equipment including asphalt roofing operations:

(21) Restaurants and other retail food preparing establishments:

(22) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures:

(23) Sources which, due to the amount and nature of air contaminants produced, and potential to contribute to air pollution, are determined through review by the Control Officer not to warrant registration; provided that for new sources, such determination shall be based upon review of a Notice of Construction:))

(1) Air conditioning or ventilating systems not designed to remove contaminants generated by or released from equipment.

(2) Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage).

(3) Atmosphere generators used in connection with metal heat treating processes.

(4) Blast cleaning equipment that uses a suspension of abrasive in liquid water.

(5) Fire fighting and similar safety equipment and equipment used to train fire fighters.

(6) Foundry sand mold-forming equipment, unheated.

(7) Fuel burning equipment (not including incinerators) that:

(i) is used solely for a private dwelling serving five families or less; or

(ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or

(iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or

(iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70.94.610; or

(v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05 % sulfur by weight.

(8) Fumigation vaults not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC).

(9) Gas stations or bulk plants with less than 100,000 gallons of throughput per year.

(10) Insecticide, pesticide, or fertilizer spray equipment.

(11) Internal combustion engines less than or equal to 500 hp (mechanical) and used only for stand-by emergency power generation.

(12) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric.

(13) Printers using less than 2000 pounds per year of VOC.

(14) Residential composting facilities.

(15) Restaurants and other retail food preparing establishments.

(16) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

(17) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

(18) Steam cleaning equipment used exclusively for that purpose.

(19) Storage tanks, reservoirs, or containers:

(i) of a capacity of 10,000 gallons or less used for the storage of volatile organic compounds, not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC); or

(ii) of a capacity of 10,000 gallons or less used for the storage of gasoline; or

(iii) of a capacity of 40,000 gallons or less used for the storage of organic compounds, not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC) with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm); or

(iv) of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas.

(20) Surface coating sources using less than 20 gallons per year of VOC-containing materials.

(21) Vacuum cleaning systems used exclusively for office or residential housekeeping.

(22) Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source.

(23) Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves.

(24) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

(25) Welding, brazing or soldering equipment.

(26) Sources which, due to the amount and nature of air contaminants produced, and potential to contribute to air pollution or odors, are determined through review by the Control Officer not to warrant registration; provided that for new sources, such determination shall be based upon review of a Notice of Construction.

PROPOSED

## AMENDED SECTION SECTION 5.02 REGISTRATION PROGRAM

(a) For purposes of this regulation, registration shall be defined as all direct activities associated with the Authority's continuing program for identifying, delineating, itemizing, verifying, and maintaining a current and accurate record of all air contaminant sources, their emissions, and their status of compliance with Regulation 1 within the jurisdiction of the Authority.

(b) The components of such registration program shall include:

(1) Initial registration and annual or other periodic reports from source owners providing the information described in sections 5.03, and 5.05, ((and 5.06)).

(2) On-site inspections necessary to verify compliance with Regulation 1 and/or to supplement information provided by sources pursuant to the requirements of sections 5.03, and 5.05, ((and 5.06)).

(3) Maintenance of computers and software used to compile and retrieve information provided by sources relating to air contaminant emissions.

(4) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to the requirements of section 5.03.

(5) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to the requirements of section 5.03

(6) Clerical and other office support provided by the Authority in direct support of the registration program.

(7) Administrative support provided in directly carrying out the registration program.

## AMENDED SECTION SECTION 5.03 GENERAL REQUIREMENTS FOR REGISTRATION

(a) Owners or operators of air contaminant sources subject to section 5.01 shall, upon request by the Authority, make annual and/or periodic reports to the Authority regarding emission sources, types and amounts of raw materials and fuels used, types, amounts and concentrations of air contaminants emitted, data on air contaminant generating equipment and control devices, data on emission points, and any other information directly related to the registration program as requested by the Authority.

(b) Annual registration and periodic reporting for a source as required by the Authority shall be made by the owner or lessee of the source, or an agent, on forms provided by the Authority or in an Authority approved format. The owner of the source shall be responsible for completion and submittal of the annual registration forms and/or periodic reports within thirty (30) days of receipt of the forms provided by the Authority. The owner of the source shall be responsible for the completeness and correctness of the information submitted.

(c) A separate registration shall be required for each source of air contaminant: PROVIDED, that an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process: PROVIDED FURTHER, that an owner need not make a sep-

arate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premise.

(d) Each registration shall be signed by the owner or lessee or the agent for such owner or lessee.

(e) The confidentiality provisions of section 3.03 shall be applicable in administering the registration program.

(f) According to the schedule set forth in section 5.03 (f)(1) below, owners or operators of air contaminant sources subject to registration pursuant to section 5.01 above shall develop and implement an Operations and Maintenance plan to assure continuous compliance with Regulation 1. Operation and Maintenance plans shall include, but not be limited to, the measures listed in section 5.03 (f)(2). A copy of the Operation and Maintenance plan shall be retained at the source and shall be made available to all employees of the source and the Authority upon request.

(1) Operation and Maintenance plans required pursuant to section 5.03(f) shall be implemented by the due dates specified in i through iii below.

(i) By no later than July 1, 1994 for sources currently registered with the Authority.

(ii) No later than 120 days from initial registration with the Authority for existing sources not yet registered with the Authority.

(iii) 90 days from commencement of operation for newly constructed or established sources requiring registration.

(2) Operation and Maintenance plans required pursuant to section 5.03(f) shall include, but not be limited to, the following types of measures:

(i) Periodic inspection of air contaminant generating equipment and associated control devices to evaluate air contaminant control effectiveness and compliance with applicable emissions limits;

(ii) Measures for monitoring and recording of all air contaminant generating equipment and control device performance when required by regulation or an approval order;

(iii) Procedures for facilitating prompt repair of any defective equipment or control device associated with air contaminant emissions;

(iv) A system for logging all actions required by the plan;

(v) Standard procedures for responding to air quality related complaints received by the source;

(vi) General policy and measures for minimizing dust emissions and odors;

(3) The Authority shall develop standard provisions and guidelines for operation and maintenance plans and make them available to sources for purposes of complying with section 5.03(f) provisions.

(g) Owners or operators of air contaminant sources subject to section 5.01 above shall be classified according to section 5.04 and shall pay annual registration fees pursuant to sections 5.05 (and 5.06).

PROPOSED

**AMENDED SECTION**

**SECTION 5.04 CLASSIFICATION OF SOURCES**

All air contaminant sources requiring registration pursuant to section 5.01 shall be classified in one of the registration classes listed in Table 5.~~(2)~~04b. A source will be placed in the most appropriate class as determined by the Authority. For purposes of classification, the pollutants listed in Table 5.~~(+)~~04a will be considered.

**TABLE 5.~~(+)~~04a: POLLUTANTS**

- Total Particulates (TSP)
- Sulfur Oxides (SOx)
- Nitrogen Oxides (NOx)
- Volatile Organic Compounds (VOC)
- Carbon Monoxide (CO)
- Toxic Air Pollutants

**TABLE 5.~~(2)~~04b: REGISTRATION CLASSES**

(a) <b>CLASS RC1</b> - Any source with a potential to emit 100 tons per year or more of any pollutant listed in Table 5.1.
(b) <b>CLASS RC2</b> - Any source, except those sources classifiable under RC1, with a potential to emit 10 tons or more per year of any toxic air pollutants or 25 tons or more per year of any combination of toxic air pollutants.
(c) <b>CLASS RC3</b> - Any source, except those sources classifiable under RC1 or RC2, with a potential to emit 30 tons per year or more of any pollutant listed in Table 5.1.
(d) <b>CLASS RC4</b> - Any source, except those sources classifiable under RC6, RC8, RC10, RC11, RC12, or RC13, with a potential to emit at least 10 tons per year, but not more than 30 tons per year, of any pollutant listed in Table 5.1.
(e) <b>CLASS RC5</b> - Any source, except those sources classifiable under RC7, RC8, RC9, RC10, RC11, RC12, or RC13, with a potential to emit less than 10 tons per year of any pollutant listed in Table 5.1.
(f) <b>CLASS RC6</b> - Any source, except those sources classifiable as RC1, RC2, RC3, RC7, RC8, RC10, RC11, RC12, or RC13, with a potential to emit at least 5 tons per year, but not more than 10 tons per year, of any combination of toxic air pollutants.
(g) <b>CLASS RC7</b> - Any source, except those sources classifiable as RC1, RC2, RC3, RC4, RC8, RC10, RC11, RC12, or RC13, that uses or projects to use an average of less than 100 gallons per month (annual average) of materials containing volatile organic compounds, or with a maximum potential to emit less than 5 tons per year of any combination of toxic air pollutants.
(h) <b>CLASS RC8</b> - All incinerators not classified as RC1, or RC2.

(i) <b>CLASS RC9</b> - Any air contaminant sources, not classifiable in any other RC classification, which has an actual or potential odor problem associated with its operation.
(j) <b>CLASS RC10</b> - Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2 whose gasoline throughput was greater than 7.2 million gallons for the previous calendar year.
(k) <b>CLASS RC11 (minor gasoline terminals and bulk plants)</b> - Any gasoline terminal or bulk plant, except those terminals or bulk plants classifiable under RC1 or RC2, whose gasoline throughput was equal to or less than 7.2 million gallons for the previous calendar year.
(l) <b>CLASS RC12 (gasoline stations, Stage II)</b> - Any gasoline dispensing facility requiring Stage II vapor recovery.
(m) <b>CLASS RC13 (gasoline stations, general)</b> - Any gasoline dispensing facility with total gasoline throughput of greater than 100 thousand gallons during the previous calendar year.
(n) <b>CLASS RC14</b> - vacant classification
(o) <b>CLASS RC15</b> - Any air contaminant sources which are unique and because of special circumstances cannot be adequately classified elsewhere.

**AMENDED SECTION**

**SECTION 5.05 ANNUAL REGISTRATION FEES**

(a) The Authority shall charge Initial and Annual registration fees pursuant to RCW 70.94.151. Annual registration fees shall be assessed according to the annual fee schedules set forth in section 5.05(b) below. Initial registration fees shall be assessed upon initial registration of a source and shall equal the annual registration fee based on projected emissions and prorated for the remaining months in the fiscal year. Initial and Annual registration fees shall provide revenue to fund the Authority's ongoing Registration Program.

(b) All sources requiring annual registration shall be assessed an annual registration fee consisting of the sum of a "facility fee", "generating equipment fee", "stack fee", "class fee", "emissions fee", and "source specific monitoring fee" according to items (1) through (9) of this subsection and amounts as specified in Table 5.~~(3)~~05a. Sources assessed annual operating permit fees under Article 6 of Regulation 1 shall not be assessed annual fees under this section.

(1) **FACILITY FEE** - All sources requiring registration shall pay an annual "facility fee" of an amount as indicated in Table 5.~~(3)~~05a; and

(2) **A GENERATING EQUIPMENT FEE** of an amount as indicated in Table 5.~~(3)~~05a for each item of air contaminant generating equipment located at the source; and

(3) **A STACK FEE** of an amount as indicated in Table 5.~~(3)~~05a for each stack located at the source; and

(4) **An EMISSIONS FEE** of an amount as indicated in Table 5.~~(3)~~05a per ton of each air contaminant listed in Table 5.~~(+)~~05b emitted by the source for air contaminants emitted in excess of 10 tons, evaluated on a pollutant by pollutant

PROPOSED



basis, during the previous calendar year, or as contained in the file or permit; and

(5) A CLASS FEE of an amount as specified in Table 5.~~(3)~~05a; and

(6) A SOURCE SPECIFIC MONITORING FEE of an amount as specified in Table 5.~~(3)~~05a if ambient monitoring is a requirement for the source;

(7) The Authority shall assess the emissions fee based on actual emissions from the source for the last calendar year when available;

(8) The annual registration 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 registration 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.

(9) For purposes of assessing annual registration fees, definitions for air contaminant generating equipment and stacks shall be consistent with the definitions in section 5.00, 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.

(c) The Authority shall assess annual registration 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. The Authority shall assess annual registration fees based on the most recent information on file with the Authority including any updates to the source's file received prior to August 1 of that year.

(d) Upon assessment by the Authority, annual registration fees are due and payable and shall be deemed delinquent if not fully paid within thirty (30) days. However, sources classified as RC1 or RC2 shall be given the option to pay their annual fee in quarterly installments. RC1 and RC2 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 to the Authority along with the duplicate copy of the invoice. Quarterly installments shall be equal to 25% of the total annual registration fee and shall be due within 30 days of each quarter following initial assessment by the Authority.

(e) Any source which does not pay their annual registration fee or annual registration fee installment within thirty (30) days of the due date, shall be assessed a late penalty in the amount of 25% of their annual registration fee. This late penalty shall be in addition to the annual registration fee.

(f) Annual registration fees may be appealed according to the procedure specified in section 3.17

TABLE 5.~~(3)~~05a: ANNUAL REGISTRATION FEES

ANNUAL FEE COMPONENT	FEE COMPONENT DESCRIPTION	FEE AMOUNT
Facility Fee	Fee assessed to all sources requiring registration or an operating permit.	\$107.00
Generating Equip. Fee	Fee assessed per each item of air contaminant generating equipment located at the source.	\$45.00
Stack Fee	Fee assessed per each stack located at the source.	\$27.00
Emissions Fee	Fee assessed per ton of TSP, SO <sub>2</sub> , NO <sub>x</sub> , VOC, and toxic air contaminant emissions that exceeded 10 tons per year for the previous calendar year based on actual emissions.	\$11.00
Class Fees:		
RC1	Major sources (≥100 tpy)	\$1345
RC2	Major toxic sources	\$1138
RC3	Criteria pollutants ≥ 30 tpy	\$580
RC4	Criteria pollutants ≥ 10 tpy	\$124
RC5	Criteria pollutant < 10 tpy	\$31
RC6	Toxic air contaminants < 10 tpy	\$124
RC7	< 100 gal/mo VOC containing materials	\$62
RC8	Incinerators < 30 tpy emissions	\$217
RC9	Potential odor sources.	\$62
RC10	Maj. gasoline terminals & bulk plants	\$155
RC11	Min. gasoline terminals & bulk plants	\$104
RC12	Gas stations requiring Stage II	\$11
RC13	Gas stations ≥ 100 thousand gal/yr	\$ 0
RC14	VACANT CLASSIFICATION	
RC15	Other sources requiring registration	\$104

PROPOSED

ANNUAL FEE COMPONENT	FEE COMPONENT DESCRIPTION	FEE AMOUNT	
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	

**(TABLE 5.05b: POLLUTANTS CONSIDERED FOR FEES)**

Total Particulates (TSP)
Sulfur Dioxide (SO <sub>2</sub> )
Nitrogen Oxides (NO <sub>x</sub> )
Volatile Organic Compounds (VOC)
Toxic Air Pollutants not classified as VOCs

))

(g) On an annual basis, starting with calendar year 1994, the Authority shall conduct a workload analysis to determine the adequacy and fairness of the annual registration fee schedule. The workload analysis shall be based on the Authority's historical record of time and resource expenditures associated with the registration program. The workload analysis shall be made available if a request is made to the Authority. Any proposed revisions to the annual registration 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.

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.

**AMENDED SECTION  
SECTION 5.06 ~~RESERVED SECTION~~ ((NOTICE OF INTENT TO OPERATE**

~~(a) For portable air contaminant sources which locate temporarily at particular sites and move within the OAPCA region a Notice of Intent to Operate must be filed with the Authority pursuant to Article 7, section 7.01(a). The Authority shall not commence processing of a Notice of Intent to Operate until it has received fees as shown in Table 5.4.~~

~~(b) For portable air contaminant sources which come from outside the OAPCA region a Notice of Construction and Application for Approval must be filed pursuant to Article 7, section 7.01.~~

**TABLE 5.4: ~~PORTABLE AIR CONTAMINANT SOURCE FEES~~**

PORTABLE AIR CONTAMINANT SOURCE	FEE AMOUNT
Asphalt Plant	\$500
Soil Remediation Plant	\$1,000
Rock Crusher	\$300
Chipper	\$100
Other	\$100

))

**AMENDED SECTION  
SECTION 5.07 ~~RESERVED SECTION~~ ((WORK DONE WITHOUT AN APPROVAL**

~~Where work for which a Notice of Intent to Operate is required is commenced prior to making application and receiving approval, the Control Officer or an authorized agent may conduct an investigation as part of the Notice of Intent review. In such a case, an investigation fee, in addition to fees of section 7.02 ((5.06(a))), shall be assessed in an amount equal to 3 times the Portable Air Contaminant Source fees of section 7.02 ((5.06(a))). 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.)~~

Reviser's note: The unnecessary strikethrough 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.

**AMENDED 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 1.05 (b) of the Regulation))~~ without first filing with the authority a "Notice of Construction and Application for Approval", on forms prepared and provided by the authority, and without having received approval by the authority. All sources subject to Registration in Article 5, section 5.01 of the Regulation are subject to this Article. 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.~~

PROPOSED

(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 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 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 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**

(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.

**NEW SECTION**

**SECTION 7.02 NOTICE OF INTENT TO OPERATE**

(a) For portable air contaminant sources which locate temporarily at particular sites and move within the OAPCA region a Notice of Intent to Operate must be filed with the Authority. The Notice of Intent to Operate must be filed at least 30 days prior to starting the operation, and must supply sufficient information to enable the 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 Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards. The Authority shall not commence processing of a Notice of Intent to Operate until it has received fees as shown in Table 7.02a.

**TABLE 7.02a: PORTABLE AIR CONTAMINANT SOURCE FEES**

<u>PORTABLE AIR CONTAMINANT SOURCE</u>	<u>FEE AMOUNT</u>
<u>Asphalt Plant</u>	<u>\$500</u>
<u>Soil Thermal Desorbition Unit</u>	<u>\$1,000</u>
<u>Rock Crusher</u>	<u>\$300</u>
<u>Chipper</u>	<u>\$100</u>
<u>Other</u>	<u>\$100</u>

(b) For new portable air contaminant sources or portable air contaminant sources which come from outside the OAPCA region a Notice of Construction and Application for Approval must be filed pursuant to Section 7.01.

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

**SECTION 7.03 ADDITIONAL INFORMATION - WHEN REQUIRED**

(a) The Control Officer or the Board may require, as a condition precedent to the construction, installation or establishment of a new air contaminant source or sources, the submission of plans, drawings, data, specifications and such other information as is deemed necessary in order to determine whether the equipment or control apparatus is designed and will be installed to operate without causing a violation of any law or regulation of the Authority.

(b) After approval to construct, install or establish a new air contaminant source or control facility is granted, deviations from the approved plans, drawings, data and specifications are not permissible without first securing written approval for the changes from the Control Officer or an authorized representative.

**AMENDED 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 7.02a; or

PROPOSED

TABLE 7.((04))03a: 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 <sub>x</sub> )	40.0
Particulate Matter (PM)	25.0
Fine Particulate Matter (PM <sub>10</sub> )	15.0
Lead	0.6
Fluorides	3.0
Sulfuric Acid Mist	7.0
Hydrogen sulfide (H <sub>2</sub> S)	10.0
Total Reduced Sulfur (including H <sub>2</sub> 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 <sub>2</sub> and hydrogen chloride)	40

PROPOSED

(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 writing, 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.

**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 noticing 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 or an Order that the construction, installation or establishment of a new air contaminant source will not be 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.

(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.

#### **SECTION 7.07 NOTICE OF COMPLETION - ORDER OF VIOLATION**

(a) The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer shall, within thirty (30) days of receipt of notice of completion, inspect the construction, installation or establishment and the Board or Control Officer may issue an Order of Violation if it is found that the construction, installation or establishment is not in accord with the plans, specifications or other information submitted

to the Authority and will be in violation of a law or regulation of the Authority in existence at the date the order was issued.

(b) Upon receipt of an Order of Violation, the owner may appeal said order in accordance with the provisions and procedures in Sections 3.17 and 3.19 of this Regulation.

(c) The issuance of approval as provided by this Article and Section 7.05 shall not relieve the owner of the obligation to comply with the laws or regulations as adopted by this Authority or prevent the Board or Control Officer from issuing such orders as provided by Section 3.01, subsection (b) of Article 3 of this Regulation.

#### **SECTION 7.09 CONDITIONAL APPROVAL**

The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submitted information, that the installation, construction or establishment, when completed, will satisfy the emissions standards adopted by the Board.

#### **SECTION 7.11 TIME LIMIT ON APPROVAL OF CONSTRUCTION**

(a) Any person undertaking the construction, installation, or establishment of a new air contaminant source not completed within one (1) year following issuance of any "Approval of Construction" given pursuant to this Article 7 of Regulation 1, shall be required to again comply with the requirements of Section 7.01 through 7.09 of this Regulation before proceeding with such construction, installation, or establishment.

(b) Upon application, an extension not to extend beyond a period of one (1) additional year shall be granted by the Board or Control Officer, provided that all regulations and conditions in force at the time of the issuance of the original "Approval of Construction" have not changed.

(c) All "Approval of Construction" previously granted herein shall expire one (1) year from the effective date of this resolution.

#### **AMENDED 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).

(b) **Filing Fees.** The Authority shall not commence processing of a NOC until it has received a filing fee of \$100.00.

(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))13a. 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))13a 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))13a 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))13a and Table 7.((3))13b 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.

**TABLE 7.((2))13a: 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

PROPOSED

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 Desorbption 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
Other (whichever is greater)	\$200 or Actual Cost

**TABLE 7.(3)13b: 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.

PROPOSED

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
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**AMENDED 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 fees required of Section 7.13. Payment

**WSR 99-18-020**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed August 23, 1999, 1:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-058.

Title of Rule: Chapter 308-96A WAC, Vehicle licenses, provisions for obtaining honorary consul and foreign organization special license plates.

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and help make them more comprehensible.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.276.

Summary: Repealing WAC 308-96A-061 Honorary consul special license plates and 308-96A-063 Foreign organization special license plate; and amending WAC 308-96A-062 Transfer or destruction of honorary consul special license plates and 308-96A-064 Transfer or loss/destruction of foreign organization special license plates.

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, 902-3718; Implementation and Enforcement: Lynda Henriksen, 1125 Washington Street S.E., Olympia, 902-3811.

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: Clarify sections needed and repeal those no longer required.

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

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 107, 1125 Washington Street S.E., Olympia, WA 98507, on October 6, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by October 5, 1999, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by October 5, 1999.

Date of Intended Adoption: November 1, 1999.

August 23, 1999

Deborah McCurley

Administrator

Title and Registration Services

**AMENDATORY SECTION** (Amending WSR 95-17-127, filed 8/23/95, effective 9/23/95)

**WAC 308-96A-062 Transfer or destruction of honorary consul special license plates.** ~~((Whenever the owner or lessee transfers his/her interest in the motor vehicle to which the honorary consul special license plates are issued, the plates shall be removed. The removed plates shall be immediately forwarded to the department to be destroyed, or the special plates may be held for use on, or transferred to another motor vehicle owned by the consul or foreign government representative. Immediately upon transfer of the plates to another motor vehicle the holder of the special plates shall submit an application to the department to transfer the special plates to another motor vehicle, including payment of a \$5.00 transfer fee and all other applicable license fees and excise taxes.))~~ **(1) May I transfer honorary consul special license plates to another qualifying person?** No, the honorary consul special license plates are assigned to a person for use on their vehicle.

**(2) What do I do with the honorary consul special license plates if I dispose of the vehicle?** Whenever the owner or lessee transfers his/her interest in the motor vehicle to which the honorary consul special license plates are issued, the plates shall be removed. The removed plates shall be either transferred to another vehicle owned or leased by the plate holder or immediately forwarded to the department to be destroyed.

**(3) How do I transfer my honorary consul special license plates to another vehicle that I own?** You may transfer the special plates to another motor vehicle owned or leased by you by:

**(a) Submitting an application to the department to transfer the plates to another vehicle; and**

**(b) Paying a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.**

PROPOSED



**(4) What do I do if the honorary consul special license plates are lost, destroyed, mutilated or stolen?** If your honorary consul special license plates are lost, destroyed, mutilated or stolen, you must apply to the department for replacement license plates. The replacement plate number will be the next available sequential number.

**AMENDATORY SECTION** (Amending WSR 96-21-044, filed 10/11/96, effective 11/11/96)

**WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates.** (1) ~~((Whenever the owner or lessee transfers his/her interest in the motor vehicle to which the foreign organization special license plates are issued, the plates shall be removed. The removed plates shall be immediately forwarded to the department, or the special plates may be held for use on, or transferred to another motor vehicle owned by the officer of the Taipei Economic and Cultural Office. Immediately upon transfer of the plates to another motor vehicle the holder of the special plates shall submit an application to the department as provided in WAC 308-96A-063 to transfer the special plates to the other motor vehicle, including payment of the transfer fee provided in RCW 46.16.316.~~

~~(2) Whenever a foreign organization special license plate is lost or destroyed, the officer of the Taipei Economic and Cultural Office to whom the special license plate is issued shall make application for a replacement foreign organization special license plate. The replacement special license plates shall be issued without cost to the applicant.)) **May I transfer foreign organization special license plates to another qualifying person?** No, the foreign organization special license plates are permanently assigned to a person and cannot be reassigned to another person.~~

**(2) What do I do with the foreign organization special license plates if I dispose of the vehicle?** Whenever the owner or lessee transfers his/her interest in the passenger vehicle to which the foreign organization special license plates are issued, the plates shall be removed. The removed plates shall be either transferred to another qualifying passenger vehicle or immediately forwarded to the department to be destroyed.

**(3) How do I transfer foreign organization special license plates to another vehicle?** You may transfer the special plates to another qualifying passenger vehicle owned or leased by an officer of a foreign organization by:

(a) Submitting an application to the department to transfer the plates to another qualifying passenger vehicle; and

(b) Paying a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

**(4) What do I do if the foreign organization special license plates are lost, destroyed, mutilated or stolen?** If your foreign organization special license plates are lost, destroyed, mutilated or stolen, you must apply to the department for replacement license plate. The replacement plate number will be the next available sequential number.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-061

Honorary consul special license plates.

WAC 308-96A-063

Foreign organization special license plate.

## WSR 99-18-021 PROPOSED RULES BOARD FOR VOLUNTEER FIREFIGHTERS

[Filed August 23, 1999, 2:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-13-170.

Title of Rule: Actuarial tables, schedules, and factors.

Purpose: Amending chapter 491-02 WAC to adopt new actuarial tables for use in calculating joint survivors' option for pensions.

Statutory Authority for Adoption: RCW 41.24.290(2).

Summary: New actuarial tables for joint survivor option.

Reasons Supporting Proposal: Legislation authorizing pop-up provision for pensions made update of actuarial tables necessary.

Name of Agency Personnel Responsible for Drafting: Pamela J. Bigelow, Confidential Secretary, 605 11th S.E. #112, Olympia, 753-7318; Implementation and Enforcement: Joseph H. Faubion, Executive Secretary, 605 11th S.E. #112, Olympia, 753-7318.

Name of Proponent: State Board for Volunteer Firefighters, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates actuarial table used in calculation of joint survivor pensions to offset the pop-up provision enacted by the 1999 legislature.

Proposal Changes the Following Existing Rules: Amends chapter 491-02 WAC by updating actuarial tables.

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

RCW 34.05.328 does not apply to this rule adoption. Relates only to internal governmental operations, RCW 34.05.328 (5)(b)(ii).

Hearing Location: Olympia Forum Building, 605 East 11th Avenue #112, Olympia, WA, on October 15, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Pam Bigelow by October 14, 1999.

Submit Written Comments to: Fax (360) 586-1987, by October 14, 1999.

Date of Intended Adoption: October 15, 1999.  
 August 20, 1999  
 Joseph H. Faubion  
 Executive Secretary

MEMBER YOUNGER		MEMBER OLDER			
FACTOR	AGE DIFFER	FACTOR	AGE DIFFER	FACTOR	AGE DIFFER
0.852	-04	0.702	19	0.662	40
		0.699	20))		

AMENDATORY SECTION (Amending WSR 90-24-033, filed 11/30/90, effective 12/31/90)

BOARD FOR VOLUNTEER FIRE FIGHTERS  
TABLE #1

JOINT/SURVIVORS PENSION

MEMBER YOUNGER

Age Difference                      Option II (100%)

-20	0.948
-19	0.945
-18	0.940
-17	0.936
-16	0.933
-15	0.929
-14	0.925
-13	0.921
-12	0.916
-11	0.910
-10	0.906
-9	0.900
-8	0.895
-7	0.889
-6	0.882
-5	0.876
-4	0.868
-3	0.860
-2	0.849
-1	0.836

MEMBER OLDER

Age Difference                      Option II (100%)

0	0.822
1	0.808
2	0.796
3	0.787
4	0.782
5	0.778
6	0.773
7	0.766
8	0.757
9	0.746
10	0.736
11	0.729

**WAC 491-02-095 Actuarial tables, schedules, and factors.** This chapter contains the tables, schedules, and factors adopted by the board for volunteer fire fighters pursuant to the authority granted by RCW 41.24.185 for calculating optional retirement allowances of members of retirement systems administered by the board. These tables, schedules, and factors were adopted by the board upon the recommendation of and in light of the findings of the state actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from January 1, ((1991)) 2000, until such time as these tables, schedules, and factors are amended by the board following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before January 1, ((1991)) 2000, shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the board in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

~~((BOARD FOR VOLUNTEER FIRE FIGHTERS~~  
~~TABLE #1~~

~~JOINT/SURVIVORS PENSION~~

MEMBER YOUNGER		MEMBER OLDER			
FACTOR	AGE DIFFER	FACTOR	AGE DIFFER	FACTOR	AGE DIFFER
0.973	-20	0.837	0	0.696	21
0.970	-19	0.822	1	0.693	22
0.964	-18	0.809	2	0.690	23
0.960	-17	0.800	3	0.687	24
0.957	-16	0.794	4	0.685	25
0.953	-15	0.789	5	0.683	26
0.949	-14	0.784	6	0.681	27
0.945	-13	0.776	7	0.679	28
0.940	-12	0.766	8	0.677	29
0.934	-11	0.754	9	0.675	30
0.929	-10	0.744	10	0.673	31
0.923	-09	0.736	11	0.672	32
0.917	-08	0.731	12	0.670	33
0.910	-07	0.726	13	0.669	34
0.902	-06	0.721	14	0.667	35
0.895	-05	0.717	15	0.666	36
0.887	-04	0.713	16	0.665	37
0.878	-03	0.709	17	0.664	38
0.866	-02	0.706	18	0.663	39

PROPOSED

<u>12</u>	<u>0.724</u>		4	.8685
<u>13</u>	<u>0.720</u>		5	.8610
<u>14</u>	<u>0.715</u>		6	.8536
<u>15</u>	<u>0.711</u>		7	.8461
<u>16</u>	<u>0.708</u>		8	.8387
<u>17</u>	<u>0.704</u>		9	.8312
<u>18</u>	<u>0.702</u>		10	.8238
<u>19</u>	<u>0.698</u>	2	11	.8163
<u>20</u>	<u>0.695</u>		0	.8089
<u>21</u>	<u>0.692</u>		1	.8023
<u>22</u>	<u>0.689</u>		2	.7957
<u>23</u>	<u>0.686</u>		3	.7892
<u>24</u>	<u>0.683</u>		4	.7826
<u>25</u>	<u>0.681</u>		5	.7760
<u>26</u>	<u>0.679</u>		6	.7694
<u>27</u>	<u>0.677</u>		7	.7629
<u>28</u>	<u>0.675</u>		8	.7563
<u>29</u>	<u>0.673</u>	3	9	.7497
<u>30</u>	<u>0.671</u>		10	.7431
<u>31</u>	<u>0.669</u>		11	.7366
<u>32</u>	<u>0.668</u>		0	.7300
<u>33</u>	<u>0.667</u>		1	.7242
<u>34</u>	<u>0.666</u>		2	.7183
<u>35</u>	<u>0.664</u>		3	.7125
<u>36</u>	<u>0.663</u>		4	.7067
<u>37</u>	<u>0.662</u>		5	.7009
<u>38</u>	<u>0.661</u>		6	.6951
<u>39</u>	<u>0.660</u>	4	7	.6892
<u>40</u>	<u>0.659</u>		8	.6834
			9	.6776
			10	.6718
			11	.6660
			0	.6601
			1	.6550
			2	.6498
			3	.6446
			4	.6395
			5	.6343
			6	.6291
			7	.6240
			8	.6188
			9	.6136
			10	.6085
			11	.6033
			0	.5981
			1	.5935
			2	.5889
			3	.5843
			4	.5797
			5	.5751
			6	.5705
			7	.5659
			8	.5613
			9	.5567
			10	.5521
			11	.5475
			0	.5429

Age difference = member's age minus beneficiary's age

BOARD FOR VOLUNTEER FIRE FIGHTERS  
TABLE #2

SURVIVORS PENSION

0	0	1.0000		9	.6136
	1	.9915		10	.6085
	2	.9830		11	.6033
	3	.9746	5	0	.5981
	4	.9661		1	.5935
	5	.9576		2	.5889
	6	.9491		3	.5843
	7	.9407		4	.5797
	8	.9322		5	.5751
	9	.9237		6	.5705
	10	.9152		7	.5659
	11	.9068		8	.5613
1	0	.8983		9	.5567
	1	.8908		10	.5521
	2	.8834		11	.5475
	3	.8759	6	0	.5429

PROPOSED

PROPOSED

	1	.5388		10	.3474
	2	.5347		11	.3447
	3	.5306	11	0	.3420
	4	.5265		1	.3396
	5	.5224		2	.3372
	6	.5182		3	.3348
	7	.5141		4	.3324
	8	.5100		5	.3300
	9	.5059		6	.3275
	10	.5018		7	.3251
	11	.4977		8	.3227
7	0	.4936		9	.3203
	1	.4899		10	.3179
	2	.4862		11	.3154
	3	.4825	12	0	.3130
	4	.4789		1	.3108
	5	.4752		2	.3087
	6	.4715		3	.3065
	7	.4678		4	.3043
	8	.4642		5	.3021
	9	.4605		6	.2999
	10	.4568		7	.2977
	11	.4531		8	.2955
8	0	.4494		9	.2933
	1	.4461		10	.2912
	2	.4428		11	.2890
	3	.4395	13	0	.2868
	4	.4362		1	.2848
	5	.4329		2	.2828
	6	.4296		3	.2808
	7	.4263		4	.2789
	8	.4230		5	.2769
	9	.4197		6	.2749
	10	.4164		7	.2729
	11	.4131		8	.2709
9	0	.4098		9	.2689
	1	.4068		10	.2670
	2	.4039		11	.2650
	3	.4009	14	0	.2630
	4	.3979		1	.2612
	5	.3950		2	.2594
	6	.3920		3	.2576
	7	.3890		4	.2558
	8	.3860		5	.2540
	9	.3831		6	.2522
	10	.3801		7	.2504
	11	.3771		8	.2486
10	0	.3742		9	.2468
	1	.3715		10	.2450
	2	.3688		11	.2432
	3	.3661	15	0	.2414
	4	.3635		1	.2398
	5	.3608		2	.2381
	6	.3581		3	.2365
	7	.3554		4	.2348
	8	.3528		5	.2332
	9	.3501		6	.2316

	7	.2299		4	.1550
	8	.2283		5	.1540
	9	.2267		6	.1529
	10	.2250		7	.1519
	11	.2234		8	.1509
16	0	.2218		9	.1498
	1	.2203		10	.1488
	2	.2188		11	.1478
	3	.2173	21	0	.1467
	4	.2158		1	.1458
	5	.2143		2	.1448
	6	.2128		3	.1439
	7	.2113		4	.1429
	8	.2098		5	.1420
	9	.2084		6	.1410
	10	.2069		7	.1401
	11	.2054		8	.1391
17	0	.2039		9	.1382
	1	.2025		10	.1372
	2	.2012		11	.1363
	3	.1998	22	0	.1353
	4	.1985		1	.1345
	5	.1971		2	.1336
	6	.1957		3	.1327
	7	.1944		4	.1319
	8	.1930		5	.1310
	9	.1917		6	.1301
	10	.1903		7	.1293
	11	.1890		8	.1284
18	0	.1876		9	.1275
	1	.1864		10	.1267
	2	.1851		11	.1258
	3	.1839	23	0	.1249
	4	.1826		1	.1241
	5	.1814		2	.1233
	6	.1802		3	.1225
	7	.1789		4	.1217
	8	.1777		5	.1209
	9	.1764		6	.1201
	10	.1752		7	.1193
	11	.1740		8	.1185
19	0	.1727		9	.1177
	1	.1716		10	.1169
	2	.1705		11	.1161
	3	.1693	24	0	.1153
	4	.1682		1	.1146
	5	.1671		2	.1139
	6	.1659		3	.1132
	7	.1648		4	.1124
	8	.1637		5	.1117
	9	.1625		6	.1110
	10	.1614		7	.1102
	11	.1603		8	.1095
20	0	.1591		9	.1088
	1	.1581		10	.1080
	2	.1571		11	.1073
	3	.1560	25	0	.1066

PROPOSED

PROPOSED

	1	.1059		10	.0731
	2	.1052		11	.0726
	3	.1046	30	0	.0722
	4	.1039		1	.0717
	5	.1032		2	.0713
	6	.1025		3	.0708
	7	.1019		4	.0704
	8	.1012		5	.0699
	9	.1005		6	.0695
	10	.0998		7	.0690
	11	.0992		8	.0686
26	0	.0985		9	.0682
	1	.0979		10	.0677
	2	.0973		11	.0673
	3	.0966	31	0	.0668
	4	.0960		1	.0664
	5	.0954		2	.0660
	6	.0948		3	.0656
	7	.0942		4	.0652
	8	.0936		5	.0648
	9	.0929		6	.0644
	10	.0923		7	.0639
	11	.0917		8	.0635
27	0	.0911		9	.0631
	1	.0905		10	.0627
	2	.0899		11	.0623
	3	.0894	32	0	.0619
	4	.0888		1	.0615
	5	.0882		2	.0611
	6	.0877		3	.0608
	7	.0871		4	.0604
	8	.0865		5	.0600
	9	.0860		6	.0596
	10	.0854		7	.0592
	11	.0848		8	.0589
28	0	.0842		9	.0585
	1	.0837		10	.0581
	2	.0832		11	.0577
	3	.0827	33	0	.0573
	4	.0822		1	.0570
	5	.0816		2	.0566
	6	.0811		3	.0563
	7	.0806		4	.0559
	8	.0801		5	.0556
	9	.0795		6	.0552
	10	.0790		7	.0549
	11	.0785		8	.0545
29	0	.0780		9	.0542
	1	.0775		10	.0538
	2	.0770		11	.0535
	3	.0765	34	0	.0531
	4	.0760		1	.0528
	5	.0755		2	.0525
	6	.0751		3	.0522
	7	.0746		4	.0518
	8	.0741		5	.0515
	9	.0736		6	.0512

	7	.0509		4	.0000
	8	.0506		5	.0000
	9	.0502		6	.0000
	10	.0499		7	.0000
	11	.0496		8	.0000
35	0	.0493		9	.0000
	1	.0452		10	.0000
	2	.0410		11	.0000
	3	.0369	40	0	.0000
	4	.0328		1	.0000
	5	.0287		2	.0000
	6	.0246		3	.0000
	7	.0205		4	.0000
	8	.0164		5	.0000
	9	.0123		6	.0000
	10	.0082		7	.0000
	11	.0041		8	.0000
36	0	.0000		9	.0000
	1	.0000		10	.0000
	2	.0000		11	.0000
	3	.0000	41	0	.0000
	4	.0000		1	.0000
	5	.0000		2	.0000
	6	.0000		3	.0000
	7	.0000		4	.0000
	8	.0000		5	.0000
	9	.0000		6	.0000
	10	.0000		7	.0000
	11	.0000		8	.0000
37	0	.0000		9	.0000
	1	.0000		10	.0000
	2	.0000		11	.0000
	3	.0000	42	0	.0000
	4	.0000		1	.0000
	5	.0000		2	.0000
	6	.0000		3	.0000
	7	.0000		4	.0000
	8	.0000		5	.0000
	9	.0000		6	.0000
	10	.0000		7	.0000
	11	.0000		8	.0000
38	0	.0000		9	.0000
	1	.0000		10	.0000
	2	.0000		11	.0000
	3	.0000	43	0	.0000
	4	.0000		1	.0000
	5	.0000		2	.0000
	6	.0000		3	.0000
	7	.0000		4	.0000
	8	.0000		5	.0000
	9	.0000		6	.0000
	10	.0000		7	.0000
	11	.0000		8	.0000
39	0	.0000		9	.0000
	1	.0000		10	.0000
	2	.0000		11	.0000
	3	.0000	44	0	.0000

PROPOSED

	1	.0000	AGE	FACTOR	AGE	FACTOR
	2	.0000				
	3	.0000	53	11.5229103	93	3.2069188
	4	.0000	54	11.4002076	94	3.0106933
	5	.0000				
	6	.0000	55	11.2720392	95	2.8258567
	7	.0000	56	11.1381509	96	2.6477190
	8	.0000	57	10.9983815	97	2.4748732
	9	.0000	58	10.8526988	98	2.3066632
	10	.0000	59	10.7011985	99	2.1427960
	11	.0000				
45	0	.0000				

BOARD FOR VOLUNTEER FIRE FIGHTERS  
TABLE #3

LUMP-SUM SETTLEMENTS

AGE	FACTOR	AGE	FACTOR
20	13.5031945	60	10.5436530
21	13.4828384	61	10.3813085
22	13.4611435	62	10.2142476
23	13.4380193	63	10.0431489
24	13.4133963	64	9.8688692
25	13.3871605	65	9.6924284
26	13.3592278	66	9.5149814
27	13.3294828	67	9.3377061
28	13.2978313	68	9.1617871
29	13.2641359	69	8.9884173
30	13.2283033	70	8.8188080
31	13.1901943	71	8.6543209
32	13.1496774	72	8.4968388
33	13.1066190	73	8.3489101
34	13.0608717	74	8.2138433
35	13.0124419	75	8.0958080
36	12.9608581	76	7.7523319
37	12.9060159	77	7.4162108
38	12.8477966	78	7.0884515
39	12.7860919	79	6.7697852
40	12.7208125	80	6.4606387
41	12.6518603	81	6.1625724
42	12.5791754	82	5.8728597
43	12.5027332	83	5.5923305
44	12.4225027	84	5.3202466
45	12.3384922	85	5.0556034
46	12.2507383	86	4.7984798
47	12.1592074	87	4.5483893
48	12.0638174	88	4.3052420
49	11.9644609	89	4.0701933
50	11.8609398	90	3.8435578
51	11.7530134	91	3.6246900
52	11.6404264	92	3.4128550

**WSR 99-18-044**  
**PROPOSED RULES**  
**SECRETARY OF STATE**  
[Filed August 25, 1999, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-106.

Title of Rule: Political party abbreviations.

Purpose: To create a framework for designating political party abbreviations to be placed on the ballot.

Statutory Authority for Adoption: RCW 29.04.210.

Statute Being Implemented: RCW 29.30.020.

Summary: The Secretary of State shall certify the abbreviations for political party abbreviations to be printed on all primary and election ballots.

Reasons Supporting Proposal: To ensure ballot uniformity.

Name of Agency Personnel Responsible for Drafting: Tim Hill, Office of the Secretary of State, Legislative Building, Olympia, (360) 902-4169; Implementation and Enforcement: Gary McIntosh, Office of the Secretary of State, Legislative Building, Olympia, (360) 902-4167.

Name of Proponent: Office of the Secretary of State, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It requires the Secretary of State to certify abbreviations for political party designations on the primary and election ballots. Its purpose and anticipated effect is to ensure ballot uniformity.

Proposal Changes the Following Existing Rules: It adds language requiring the Secretary of State to certify political party abbreviations for placement on the primary and election ballots.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule adoption falls under the exception provided in RCW 34.05.328 (5)(b)(ii).

Hearing Location: 120 East Union Avenue, Room 106, Olympia, WA 98504-0232, on October 12, 1999.

Assistance for Persons with Disabilities: Contact Diane Morgan by October 4, 1999, TDD (800) 422-8683.

PROPOSED



Submit Written Comments to: Diane Morgan, P.O. Box 40229, Olympia, WA 98908-0229, fax (360) 902-5629, by October 1, 1999.

Date of Intended Adoption: November 2, 1999.

August 25, 1999

Donald F. Whiting

Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-230-170 Electronic voting devices—Ballot form.** Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . ., with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation certified by the secretary of state as provided in RCW 29.27.020 or the word "nonpartisan," or "NP" as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

**AMENDATORY SECTION** (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-230-210 Paper ballots—Ballot form.** Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . ., with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW 29.30.020. Immediately following shall be the names of all candidates for that position, together with the political party designation certified by the secretary of state

as provided in RCW 29.27.020 or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to either the left or right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at either the left or right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for writing in the name of a candidate, followed by a box to the right of the blank space.

#### NEW SECTION

**WAC 434-230-220 Same party designations used for primary and general elections.** The party designations certified by the secretary of state in RCW 29.27.020 for primary elections shall be used on all general election ballots.

### WSR 99-18-045 PROPOSED RULES DEPARTMENT OF REVENUE

[Filed August 26, 1999, 3:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-105.

Title of Rule: WAC 458-18-010 Deferral of special assessments and/or property taxes—Definitions.

Purpose: WAC 458-18-010 provides definitions of terms used in administering the program that authorizes the deferral of special assessment and/or property taxes under chapter 84.38 RCW.

Statutory Authority for Adoption: RCW 84.36.865.

Statute Being Implemented: RCW 84.38.020.

Summary: The current version of WAC 458-18-010 was adopted in 1975. Since it was adopted numerous questions about several related terms related to the deferral program have arisen. The purpose of the proposed rule is to provide definitions of the common terms used to administer the deferral program authorized by chapter 84.38 RCW.

Reasons Supporting Proposal: The amended rule will provide clarity of the terms that will assist local taxing officials and the Department of Revenue administer the deferral program. It will also help taxpayers understand more about the deferral program.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 711 Capitol Way South #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: Sandy Guilfoil, 6004 Capital Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-18-010 explains the terms used to administer the senior citizen and/or disabled person deferral program as enacted by the legislature in chapter 84.34 RCW. It contains only definitions related to this program. This rule is used in conjunction with the other rules contained in chapter 458-18 WAC. The purpose of the rule is to reiterate the terms used in RCW 83.38.020 Definitions and to provide definitions of additional terms used in chapter 458-18 WAC to operate the deferral program. The proposed changes to the rule will explain and provide definitions of additional words and phrases used to describe the requirements involved in receiving a deferral of special assessments and/or property tax under the conditions set out in chapter 84.38 RCW. It will provide more information and guidance to taxpayers, local taxing officials, and Department of Revenue employees about the deferral program.

Proposal Changes the Following Existing Rules: New terms and phrases have been added to the existing rule, WAC 458-18-010, to provide information and guidance to taxpayers and others who use the rule or involved in the administration of the deferral program. The proposed rule is intended to provide definitions of terms most frequently used to implement the deferral program for special assessments and/or property taxes on residential housing created by chapter 84.38 RCW and described in chapter 458-18 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule and the proposed amendments do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. This is not a significant legislative rule. It is an interpretive rule as defined in RCW 34.05.328 (5)(c)(ii).

Hearing Location: Evergreen Plaza Building, 711 Capitol Way South, 2nd Floor Conference Room, Olympia, WA, on October 5, 1999, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Ginny Dale no later than ten days before the hearing date, TDD 1-800-451-7985, or (360) 586-0721.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, by October 5, 1999.

Date of Intended Adoption: October 15, 1999.

August 26, 1999  
Claire Hesselholt  
Rules Manager  
Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 92-15-057, filed 7/13/92, effective 8/13/92)

**WAC 458-18-010 Deferral of special assessments and/or property taxes—Definitions.** (~~((1))~~ "Claimant" means a person who either elects or is required under RCW 84.64.030 or 84.64.050 to defer payment of the special assessments and/or real property taxes on his or her residence. If two individuals of a household seek to defer, they must determine between them as to who the claimant shall be.

~~(2) "Department" means the Washington state department of revenue.~~

~~(3) "Equity value" means the amount by which the true and fair value of a residence as shown on the county property tax rolls for the year the deferral is to be made exceeds the total amount of all liens, obligations and encumbrances against the property excluding the deferral liens.~~

~~(4) "Special assessment" means the charge or obligation imposed by a city, town, county or other municipal corporation upon property specially benefited by a local improvement as provided in chapters:~~

~~(a) 35.44 RCW—Local improvements—Assessments and reassessments (cities and towns)~~

~~(b) 36.88 RCW—County road improvement districts (counties)~~

~~(c) 36.94 RCW—Sewer, water and drainage systems (counties)~~

~~(d) 53.08 RCW—Powers (port districts)~~

~~(e) 54.16 RCW—Powers (public utility districts)~~

~~(f) 56.20 RCW—Utility local improvement districts (sewer districts)~~

~~(g) 57.16 RCW—Comprehensive plan—Local improvement districts (water districts)~~

~~(h) 86.09 RCW—Flood control districts—1937 Act (flood control)~~

~~(i) 87.03 RCW—Irrigation districts generally (irrigation) along with any others that may be relevant.~~

~~The term does not include the charge or obligation for services specially benefiting property not involving the construction of permanent improvements to real property, e.g., mosquito control, weed control, etc.~~

~~(5) "Real property taxes" means ad valorem property taxes levied on a residence in this state. It includes foreclosure costs, interest and penalties accrued to the date the declaration for deferral is filed.~~

~~(6) "Fire and casualty insurance" means a policy with an insurer that is authorized to insure property in this state by the state insurance commission.~~

~~(7) "Lien" means any interest in property given to secure payment of a debt or performance of an obligation, and shall include a deed of trust. It shall include the total amount of assessments and/or property taxes deferred and the interest thereon.)~~

Introduction. This section is intended to provide definitions of the terms most frequently used to administer the deferral program for special assessments and/or property taxes on residential housing created by chapter 84.38 RCW. Unless a different meaning is plainly required by the context, the words and phrases used in this chapter have the following meanings:

(1) "Boarding house" means a residence in which lodging and meals are provided. Each resident of a boarding house is charged a lump sum to cover the costs of lodging and meals with no separate accounting for the fair selling price of the meals.

(2) "Claimant" means a person who either elects under chapter 84.38 RCW or is required under RCW 84.64.050 to defer payment of special assessments and/or real property taxes accrued on his or her residence by filing a declaration to defer as allowed under chapter 84.38 RCW. If more than one individual in a household wishes to defer special assessments and/or taxes, only one may file a declaration to defer; in other words, only one claimant per household is allowed.

(3) "Cooperative housing" means any existing structure, including surrounding land and improvements, that contains one or more dwelling units and is owned by:

(a) An association with resident shareholders who are granted renewable leasehold interests in dwelling units in the building. Unlike owners of a condominium, the resident shareholders who hold a renewable leasehold interest do not own their dwelling units; or

(b) An association organized under the Cooperative Association Act (chapter 23.86 RCW).

(4) "Department" means the state department of revenue.

(5) "Equity value" means the amount by which the true and fair value of a residence exceeds the total amount of all liens, obligations, and encumbrances against the property excluding the deferral liens. As used in this context, the "true and fair value" of a residence is the value shown on the county tax rolls maintained by the assessor for the assessment year in which the deferral claim is made.

(6) "Fire and casualty insurance" means a policy with an insurer that is authorized by the state insurance commission to insure property in this state.

(7) "Irrevocable trust" means a trust that may not be revoked after its creation by the trustor.

(8) "Lease for life" means a lease that terminates upon the death of the lessee.

(9) "Lien" means any interest in property given to secure payment of a debt or performance of an obligation, including a deed of trust. A lien includes the total amount of special assessments and/or property taxes deferred and the interest thereon. It also may include any other outstanding balance owed to local government for special assessments.

(10) "Life estate" means an estate that consists of total rights to use, occupy, and control real property but is limited to the lifetime of a designated party; this party is often called a "life tenant."

(11) "Local government" means any city, town, county, water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi municipal corporation, or other political subdivision authorized to levy special assessments.

(12) "Perjury" means the willful assertion as to a matter of fact, opinion, belief, or knowledge made by a claimant upon the declaration to defer that the claimant knows to be false.

(13) "Real property taxes" means ad valorem property taxes levied on a residence in this state. The term includes

foreclosure costs, interest, and penalties accrued as of the date the declaration to defer is filed.

(14) "Residence" has the same meaning given in RCW 84.36.383, except that it includes any additional property up to a total of five acres that comprises the residential parcel if land use regulations require this larger parcel size for the construction of a residential dwelling.

(15) "Revocable trust" means an agreement that entitles the trustor to have the full right to use the real property and to revoke the trust and retake complete ownership of the property at any time during his or her lifetime. The trustee of a revocable trust holds only bare legal title to the real property. Full equitable title to the property remains with the trustor; the original property owner.

(16) "Rooming house" means a residence where persons may rent rooms.

(17) "Special assessment" means the charge or obligation imposed by local government upon real property specially benefited by improvements.

#### WSR 99-18-065

#### WITHDRAWAL OF PROPOSED RULES EMPLOYMENT SECURITY DEPARTMENT

(By the Code Reviser's Office)

[Filed August 31, 1999, 8:29 a.m.]

WAC 192-12-072, 192-300-050 and 192-320-050, proposed by the Employment Security Department in WSR 99-05-068 appearing in issue 99-05 of the State Register, which was distributed on March 3, 1999, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

#### WSR 99-18-067

#### PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 31, 1999, 9:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-14-084.

Title of Rule: WAC 296-15-021 Individual firm self insurance application, 296-15-031 Employee stock ownership plan self insurance application, 296-15-041 Joint venture self insurance application, 296-15-051 Public entity self insurance application, 296-15-061 Employer group self insurance application, 296-15-121 Surety for a self insurance program, 296-15-151 Surety for a public entity's self insurance program, 296-15-161 Surety for a group self insurance program, 296-15-171 Surety for a self insured pension or fatality claim, 296-15-181 Funding the benefits of an insol-

vent self insurer, and 296-15-221 Surety for a self insured pension or fatality claim.

Purpose: The rules are rewritten per the Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 51.14.077, 51.14.120(7), 51.14.150(4), 51.14.160, 51.44.040(3), 51.44.070, 51.44.150.

Statute Being Implemented: Title 51 RCW.

Summary: The rules clarify department procedures to implement the statutes which apply to self-insured employers.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joyce Walker, Program Manager, Olympia, (360) 902-6907.

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: These rules clarify department requirements and the process for applications for firms to self insure their workers' compensation programs, for the financial security required for their programs and for pension or fatality claims and reporting requirements. The proposed rules are more easily understandable, employers will need less explanation from the department, and the number of phone calls for explanations will be cut, allowing more time to address more urgent issues than procedures.

Proposal Changes the Following Existing Rules: The original rules are being repealed, new rules have been redrafted according to the governor's executive order.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined they are not because these rules do not impact any small businesses. In order to qualify to self insure, a firm must demonstrate the financial ability to make certain the prompt payment of all foreseeable compensation and assessments required under the law. As such, only large firms are certified. All self-insured employers have more than fifty employees (each).

RCW 34.05.328 applies to this rule adoption. These rules replace WAC 296-15-010, 296-15-020, 296-15-022, 296-15-023, 296-15-025, 296-15-026, 296-15-02601, 296-15-02602, 296-15-02603, 296-15-02604, 296-15-02605, 296-15-030, 296-15-045, 296-15-050, 296-15-060, 296-15-065, 296-15-080, 296-15-090, 296-15-110, 296-15-130, 296-15-135, 296-15-145, 296-15-150, 296-15-170, 296-15-210, 296-15-215, and 296-15-220 which are being repealed. These rules are the primary instruction to self-insured employers on the department procedures they need to follow to apply for and maintain their self-insurance programs.

Hearing Location: Department of Labor and Industries Auditorium, 7273 Linderson Way, Olympia, on October 11, 1999, at 10 a.m.

Assistance for Persons with Disabilities: Contact Nancy Mead by September 27, 1999, at (360) 902-6906.

Submit Written Comments to: Fax (360) 902-6900, by October 11, 1999.

Date of Intended Adoption: November 17, 1999.

August 27, 1999

Gary Moore

Director

## NEW SECTION

**WAC 296-15-021 Individual firm self insurance application.** (1) **What does "individual firm" mean when applying for certification to self insure workers' compensation benefits?** When applying for certification to self insure workers' compensation benefits, an "individual firm" means a sole proprietor, partnership or corporation which is responsible for its own audited financial statements.

(2) **What minimum requirements must an individual firm meet to apply for self insurance certification?** The department will consider an individual firm's application for self insurance certification if it:

(a) Meets the department's net worth requirement;

(b) Has been in business for three years; and

(c) Has acceptable accident prevention programs in place for at least six months in Washington locations.

(3) **How does an individual firm apply?** The individual firm must submit Self Insurance Application SIF-1 L&I form F207-001-000 and three years of financial statements with the most recent year's financial statement audited by a certified independent public accountant.

(4) **What happens after an individual firm submits its application to the department?** After the department receives an application from an individual firm, the department will:

(a) Conduct an evaluation of the written accident prevention program in effect at a sample of the applicant's locations;

(b) Consider all matters related to the application; and

(c) Notify the individual firm whether certification is approved or denied thirty days before the requested certification date unless more time is needed.

(5) **What if the application is denied?** The application will be denied if the individual firm does not meet the department's financial and/or accident prevention program requirements. If the application is denied for:

(a) Financial reasons, the individual firm may reapply after its next independently audited financial statement is available. The department may require the applicant to provide additional information.

(b) Accident prevention program deficiencies, the individual firm may be required to wait six months before reapplying.

(c) Both financial reasons and accident prevention program deficiencies, the individual firm may reapply after its next independently audited financial statement is available. The department may also require the applicant to wait six months before reapplying.

(6) **What if the application is approved?**

(a) If the application is approved, the individual firm must do all of the following before certification will be granted:

(i) Provide written acknowledgment L&I form F207-144-000 of its responsibility to pay benefits on all claims incurred during its period of self insurance. This obligation will continue even if the individual firm voluntarily or involuntarily surrenders its self insurance certification.

(ii) Provide surety in the amount determined necessary by the department. Surety must be filed with the department on a form provided by the department. Initial surety will be the greatest of:

(A) The minimum surety. This amount is calculated annually by department actuaries and is equal to the projected average current cost of a permanent total disability claim, including time loss, pension reserve and other claim costs paid prior to pension.

(B) The estimated annual amount of accident fund and medical aid fund premiums the self insurer would have paid if still in the state fund.

(C) The estimated amount of developed incurred benefits based on the self insurer's past experience with state fund adjusted for changes in the benefit schedules and exposure.

(D) The estimated average annual incurred losses made by an independent qualified actuary and accepted by the department.

Surety will never be established at a level lower than the minimum surety amount. The department may increase the initial surety amount if other conditions are expected to alter the potential claim costs and/or the self insurer's ability to pay them. A decrease will not be considered during the first three years of certification.

(iii) Pay its share of any state fund deficit or insufficiency. See the Employer's Guide to Self Insurance L&I form F207-079-000 for how the deficit share is calculated.

(iv) Obtain the services of an individual or service organization with an individual qualified to administer a Washington workers' compensation program.

(A) A qualified claim administrator has satisfactorily demonstrated to the department:

(I) A thorough knowledge in Title 51 RCW and all workers' compensation rules; and

(II) An expertise in claim adjudication.

(B) The claim administrator must also have the authority to make prompt:

(I) Payment of all compensation and assessments when due; and

(II) Decisions regarding claim adjudication and awards.

(C) If a service organization will be used, submit a copy of the service contract.

(I) The contract copy may delete clause(s) relating to payment of services.

(II) However, if payment for services is based on the number of claims filed by the self insurer's workers, this must be explained in detail. The department may require an unaltered copy of the agreement for clarification.

(b) The self insured individual firm will be held accountable for:

(i) Its entire workers' compensation program, including all actions on its claims, regardless of whether it contracts with a service organization or administers its own program; and

(ii) Complying with and keeping informed of all changes to industrial insurance laws and rules.

(c) Certification of an individual self insurer will include all of its subsidiaries (fifty percent owned and/or financial interest controlled by) or divisions doing business in Washington. One certificate will be issued to an approved self insurer. The subsidiaries or divisions will be considered one self insurer for all industrial insurance purposes.

(d) The effective date of certification will be the first day of the quarter after the department receives the surety and required documentation. If the applicant fails to provide the required information before the approved certification date and later wishes to follow through, the department will require the individual firm to reapply.

**(7) What if an individual firm is a subsidiary of a corporation?**

(a) If an individual self insured firm has a parent (owner of fifty percent and/or having controlling financial interest), the parent must provide the department with its written guarantee L&I form F207-040-000 to assume responsibility for all workers' compensation liabilities of the subsidiary if the subsidiary defaults on its liabilities.

(b) If a parent fails to provide a guarantee, the department will require the subsidiary to provide surety at one hundred twenty-five percent of its actual requirement. The subsidiary must continue to provide surety at the higher level as long as it has no parental guarantee.

#### NEW SECTION

**WAC 296-15-031 Employee stock ownership plan self insurance application.** (1) **What does "employee stock ownership plan" (ESOP) mean when applying for certification to self insure workers' compensation benefits?** When applying for certification to self insure workers' compensation benefits, an "employee stock ownership plan" (ESOP) means the employees of a self insured firm have purchased majority controlling financial interest in the firm. The new ESOP will be required to return to the state fund for workers' compensation coverage, and after one year in the state fund, the ESOP may apply to become self insured.

(2) **What minimum requirements must an ESOP meet to apply for self insurance certification?** The department will consider an ESOP's application for self insurance certification if it:

(a) Meets the department's net worth requirement;

(b) Has been in business for one year; and

(c) Has acceptable accident prevention programs in place for at least six months in Washington locations.

(3) **How does an ESOP apply?** The ESOP must submit Self Insurance Application SIF-1 L&I form F207-001-000 with the most recent year's financial statement audited by a certified independent public accountant.

(4) **What happens after an ESOP submits its application to the department?** After the department receives an application from an ESOP, the department will:

(a) Conduct an evaluation of the written accident prevention program in effect at a sample of the applicant's locations;

(b) Consider all matters related to the application; and

(c) Notify the ESOP whether certification is approved or denied thirty days before the requested certification date unless more time is needed.

(5) **What if the application is denied?** The application will be denied if the ESOP does not meet the department's financial and/or accident prevention program requirements. If the application is denied for:

(a) Financial reasons, the ESOP may reapply after its next independently audited financial statement is available. The department may require the applicant to provide additional information.

(b) Accident prevention program deficiencies, the ESOP may be required to wait six months before reapplying.

(c) Both financial reasons and accident prevention program deficiencies, the ESOP may reapply after its next independently audited financial statement is available. The department may also require the applicant to wait six months before reapplying.

(6) **What if the application is approved?**

(a) If the application is approved, the ESOP must do all of the following before certification will be granted:

(i) Provide written acknowledgment L&I form F207-144-000 of its responsibility to pay benefits on all claims incurred during its period of self insurance. This obligation will continue even if the ESOP voluntarily or involuntarily surrenders its self insurance certification.

(ii) Provide surety in the amount determined necessary by the department. Surety must be filed with the department on a form provided by the department. For the first three years of certification, an ESOP must provide surety equal to one hundred twenty-five percent of its actual requirement. Initial surety will be the greatest of:

(A) The minimum surety. This amount is calculated annually by department actuaries and is equal to the projected average current cost of a permanent total disability claim, including time loss, pension reserve and other claim costs paid prior to pension.

(B) The estimated annual amount of accident fund and medical aid fund premiums the self insurer would have paid if still in the state fund.

(C) The estimated amount of developed incurred benefits based on the self insurer's past experience with state fund adjusted for changes in the benefit schedules and exposure.

(D) The estimated average annual incurred losses made by an independent certified public accountant and accepted by the department.

Surety will never be established at a level lower than the minimum surety amount. The department may increase the initial surety amount if other conditions are expected to alter the potential claim costs and/or the self insurer's ability to pay them. A decrease will not be considered during the first three years of certification.

(iii) Pay its share of any state fund deficit or insufficiency. See the Employer's Guide to Self Insurance L&I form F207-079-000 for how the deficit share is calculated.

(iv) Obtain the services of an individual or service organization with an individual qualified to administer a Washington workers' compensation program.

(A) A qualified claim administrator has satisfactorily demonstrated to the department:

(I) A thorough knowledge in Title 51 RCW and all workers' compensation rules; and

(II) An expertise in claim adjudication.

(B) The claim administrator must also have the authority to make prompt:

(I) Payment of all compensation and assessments when due; and

(II) Decisions regarding claim adjudication and awards.

(C) If a service organization will be used, submit a copy of the service contract.

(I) The contract copy may delete clause(s) relating to payment of services.

(II) However, if payment for services is based on the number of claims filed by the self insurer's workers, this must be explained in detail. The department may require an unaltered copy of the agreement for clarification.

(b) The self insured ESOP will be held accountable for:

(i) Its entire workers' compensation program, including all actions on its claims, regardless of whether it contracts with a service organization or administers its own program; and

(ii) Complying with and keeping informed of all changes to industrial insurance laws and rules.

(c) Certification of an ESOP will include all of its subsidiaries (fifty percent owned and/or financial interest controlled by) or divisions doing business in Washington. One certificate will be issued to an approved self insurer, and the subsidiaries or divisions will be considered one self insurer for all industrial insurance purposes.

(d) The effective date of certification will be the first day of the quarter after the department receives the surety and required documentation. If the applicant fails to provide the required information before the approved certification date and later wishes to follow through, the department will require the ESOP to reapply.

(7) **What if an individual firm is a subsidiary of a corporation?**

(a) If an ESOP has a parent (owner of fifty percent and/or having controlling financial interest), the parent must provide the department with its written guarantee L&I form F207-040-000 to assume responsibility for all workers' compensation liabilities of the subsidiary if the subsidiary defaults on its liabilities.

(b) If a parent fails to provide a guarantee, the department will require the subsidiary to provide surety at one hundred twenty-five percent of its actual requirement. The subsidiary must continue to provide surety at the higher level as long as it has no parental guarantee.

#### NEW SECTION

**WAC 296-15-041 Joint venture self insurance application.** (1) **What does "joint venture" mean when applying for certification to self insure workers' compensation benefits?** When applying for certification to self insure workers' compensation benefits, a "joint venture" means two

or more firms which have signed a contractual agreement to operate as a single unit for a specified period of time.

(2) **What minimum requirements must a joint venture meet to apply for self insurance certification?** The department will consider a joint venture's application for self insurance certification if the joint venture is sponsored by a current self insurer which has majority financial interest in the joint venture's assets and profits.

(3) **How does a joint venture apply?** The joint venture must submit Self Insurance Application SIF-1 L&I form F207-001-000 and:

(a) Three years of financial statements of all parties having at least twenty percent financial interest in the joint venture, with the most recent year's financial statement audited by a certified independent public accountant;

(b) A copy of the joint venture agreement describing the obligations of each party for the joint venture's industrial insurance program; and

(c) Each party's written acknowledgment of its joint and several liability for continuing compensation if any party defaults. This responsibility continues until the department provides a written release from this responsibility to the joint venture or remaining party to the joint venture.

(4) **What happens after a joint venture submits its application to the department?** After the department receives an application from a joint venture:

(a) The sponsoring self insurer has the responsibility to ensure the adequacy of the written accident prevention program in effect at the joint venture's locations;

(b) The department will consider all matters related to the application; and

(c) The department will notify the joint venture whether certification is approved or denied thirty days before the requested certification date unless more time is needed.

(5) **What if the application is denied?** The application will be denied if the joint venture does not meet the department's financial requirements. If the application is denied, the joint venture may reapply after the next independently audited financial statements of the original applicants are available. The department may require the joint venture to provide additional information.

(6) **What if the application is approved?**

(a) If the application is approved, the joint venture must do all of the following before certification will be granted:

(i) Provide surety in the amount determined necessary by the department. Surety must be filed with the department on a form provided by the department. Surety must name the joint venture and all parties as principal. Initial surety will be the greatest of:

(A) The minimum surety. This amount is calculated annually by department actuaries and is equal to the projected average current cost of a permanent total disability claim, including time loss, pension reserve and other claim costs paid prior to pension.

(B) The estimated annual amount of accident fund and medical aid fund premiums the self insurer would have paid if still in the state fund.

Surety will never be established at a level lower than the minimum surety amount.

(ii) Pay its share of any state fund deficit or insufficiency. See the Employer's Guide to Self Insurance L&I form F207-079-000 for how the deficit share is calculated.

(iii) Obtain the services of an individual or service organization with an individual qualified to administer a Washington workers' compensation program.

(A) A qualified claim administrator has satisfactorily demonstrated to the department:

(I) A thorough knowledge in Title 51 RCW and all workers' compensation rules; and

(II) An expertise in claim adjudication.

(B) The claim administrator must also have the authority to make prompt:

(I) Payment of all compensation and assessments when due; and

(II) Decisions regarding claim adjudication and awards.

(C) If a service organization will be used, submit a copy of the service contract.

(I) The contract copy may delete clause(s) relating to payment of services.

(II) However, if payment for services is based on the number of claims filed by the self insurer's workers, this must be explained in detail. The department may require an unaltered copy of the agreement for clarification.

(b) The self insured joint venture will be held accountable for:

(i) Its entire workers' compensation program, including all actions on its claims, regardless of whether it contracts with a service organization or administers its own program; and

(ii) Complying with and keeping informed of all changes to industrial insurance laws and rules.

(c) The effective date of certification will be the first day of the month after the department receives the surety and required documentation. If the applicant fails to provide the required information before the approved certification date and later wishes to follow through, the department will require the joint venture to reapply.

(7) **What responsibility does the self insured sponsor have for the joint venture?** The sponsor must provide written acknowledgment of its responsibility for the management of all claims and payment of all compensation incurred during the period of the joint venture's self insurance and after the joint venture has been dissolved. The acknowledgment must include the sponsor's responsibility for the continuation of benefits if any party to the joint venture or the joint venture defaults.

(8) **When can a minority partner be released from its joint venture obligations?** If the sponsor submits a written request, the department may release a minority party from its obligations under the joint venture after:

(a) The contract has been fulfilled; and

(b) A final settlement of the joint venture account has been made.

#### NEW SECTION

**WAC 296-15-051 Public entity self insurance application. (1) What does "public entity" mean when apply-**

**ing for certification to self insure workers' compensation benefits?** When applying for certification to self insure workers' compensation benefits, "public entity" means an individual city, county, school district, port, public hospital district, public utility district, or other public corporation.

**(2) What minimum requirements must a public entity meet to apply for self insurance certification?** The department will consider a public entity's application for self insurance certification if it:

- (a) Meets the department's net worth requirement;
- (b) Has been in business for three years; and
- (c) Has acceptable accident prevention programs in place for at least six months in Washington locations.

**(3) How does a public entity apply?** A public entity must submit Self Insurance Application SIF-1 L&I form F207-001-000 and three years of financial statements with the most recent year's financial statement audited by a certified independent public accountant or state auditor.

**(4) What happens after a public entity submits its application to the department?** After the department receives an application from a public entity, the department will:

- (a) Conduct an evaluation of the written accident prevention program in effect at a sample of the applicant's locations;
- (b) Consider all matters related to the application; and
- (c) Notify the public entity whether certification is approved or denied thirty days before the requested certification date unless more time is needed.

**(5) What if the application is denied?** The application will be denied if the public entity does not meet the department's financial and/or accident prevention program requirements. If the application is denied for:

- (a) Financial reasons, the public entity may reapply after its next independently audited financial statement is available. The department may require the applicant to provide additional information.
- (b) Accident prevention program deficiencies, the public entity may be required to wait six months before reapplying.
- (c) Both financial reasons and accident prevention program deficiencies, the public entity may reapply after its next independently audited financial statement is available. The applicant may also be required to wait six months before reapplying.

**(6) What if the application is approved?**

(a) If the application is approved, the public entity must do all of the following before certification will be granted:

(i) Provide written acknowledgment L&I form F207-144-000 of its responsibility to pay benefits on all claims incurred during its period of self insurance. This obligation will continue even if the public entity voluntarily or involuntarily surrenders its self insurance certification.

(ii) Provide surety in the amount determined necessary by the department.

(A) A public entity's surety must provide for sufficient revenues to satisfy the total estimated claim costs for the upcoming fiscal period. Surety must be filed with the department on a form provided by the department. The minimum surety level will be established by the department.

(B) Each public entity must also establish a cumulative reserve of at least twenty-five percent of its surety requirement. Use a surety type accepted by the department.

The department may increase the initial surety amount if other conditions are expected to alter the potential claim costs and/or the self insurer's ability to pay them. A decrease will not be considered during the first three years of certification.

(iii) Pay its share of any state fund deficit or insufficiency. See the Employer's Guide to Self Insurance L&I form F207-079-000 for how the deficit share is calculated.

(iv) Obtain the services of an individual or service organization with an individual qualified to administer a Washington workers' compensation program.

(A) A qualified claim administrator has satisfactorily demonstrated to the department:

- (I) A thorough knowledge in Title 51 RCW and all workers' compensation rules; and
- (II) An expertise in claim adjudication.

(B) The claim administrator must also have the authority to make prompt:

(I) Payment of all compensation and assessments when due; and

(II) Decisions regarding claim adjudication and awards.

(C) If a service organization will be used, submit a copy of the service contract.

(I) The contract copy may delete clause(s) relating to payment of services.

(II) However, if payment for services is based on the number of claims filed by the self insurer's workers, this must be explained in detail. The department may require an unaltered copy of the agreement for clarification.

(b) The self insured public entity will be held accountable for:

(i) Its entire workers' compensation program, including all actions on its claims, regardless of whether it contracts with a service organization or administers its own program; and

(ii) Complying with and keeping informed of all changes to industrial insurance laws and rules.

(c) Certification of a public entity will include all of its business operations in Washington. One certificate will be issued to an approved self insurer, and the public entity's business operations will be considered one self insurer for all industrial insurance purposes.

(d) The effective date of certification will be the first day of the quarter after the department receives the surety and required documentation. If the applicant fails to provide the required information before the approved certification date and later wishes to follow through, the department will require the public entity to reapply.

#### NEW SECTION

**WAC 296-15-061 Employer group self insurance application.** (1) **What does an "employer group" mean when applying for certification to self insure workers' compensation benefits?** When applying for certification to self insure its workers' compensation benefits, an "employer



group" means a group of employers qualified to self insure under Title 51 RCW.

(2) **What minimum requirements must a group meet to apply for self insurance certification?** The department will consider a group's application for self insurance certification if the qualified group of employers has acceptable accident prevention programs in place for at least six months in Washington locations.

(3) **How does an employer group apply?** The initial board of trustees of the proposed group submits a complete and accurate application, including:

(a) A copy of the group's bylaws.

(b) Individual applications and current audited financial statement of each member.

(c) A financial statement collectively showing the financial condition of members.

(d) Evidence of the fiscal agent's/administrator's fidelity bond with the trust fund. The bond must be sufficient to protect the trust fund against misappropriation or misuse of any money or securities. The bond is a condition for a group to become certified and for the continued operation of the trust fund.

(e) A listing of the estimated standard premium to be developed for each member individually and the estimated standard premium of the group as a whole.

(f) An indemnity agreement jointly and severally binding the group and each member to comply with the provisions of Title 51 RCW.

(g) A detailed budget of all projected administrative expenses for the first year of operation.

(4) **What happens after the application is submitted to the department?** After the application is submitted, the department will:

(a) Conduct an evaluation of proposed group members' written accident prevention programs in effect at a sample of the applicant's locations;

(b) Consider all matters related to the application; and

(c) Notify the group whether certification is approved or denied thirty days before the requested certification date if possible.

(5) **What if the application is denied?** The application will be denied if the group does not meet the department's financial and/or accident prevention program requirements. If the application is denied for:

(a) Financial reasons, the group may reapply after the next independently audited financial statements of the original applicants are available. The department may require additional information.

(b) Because of deficiencies in its accident prevention program, the applicant may be required to wait six months before reapplying.

(c) Both financial reasons and accident prevention program deficiencies, the group may reapply after the next independently audited financial statements of the original applicants are available. The department may also require the applicant to wait six months before reapplying.

(6) **What if the application is approved?**

(a) If the application is approved, the group must do all of the following before certification will be granted:

(i) Provide to the department:

(A) Written acknowledgment L&I form F207-144-000 of the group's responsibility for the payment of benefits on all claims incurred during its period of self insurance. This obligation will continue even if the group voluntarily or involuntarily surrenders its self insurance certification.

(B) Evidence of the administrator or fiscal agent's fidelity bond.

(C) Surety in the amount determined necessary by the department. Surety must be filed with the department on a form provided by the department. The group self insurer must maintain adequate financial reserves to cover the group's claims liabilities and administrative expenses, including the administrative assessment which would apply to claim costs if the group discontinued.

(I) For the first year of operation, adequate means the group self insurer has collected revenues from members which total one hundred twenty-five percent of the premiums which would have been paid into the state fund, and the group has submitted documentation of the collected revenues to the department.

(II) For subsequent years of operation, adequate means the group self insurer has collected revenues from its members which equal one hundred percent of the premiums which would have been paid into the state fund for each year of operation, and the group has submitted documentation of the collected revenues to the department.

(D) Evidence of:

(I) Excess workers' compensation coverage and reserves covering the difference between the aggregate retention level and claim expenditures; or

(II) Maintaining a contingency reserve to cover any adverse development of claim liability. The contingency reserve must equal the greater of fifteen percent of the claims liability or twenty-five percent of the premium amount.

The department may increase the initial surety amount if other conditions are expected to alter the potential claim costs and/or the group's ability to pay them. A decrease will not be considered during the first five years of certification.

(ii) Pay its share of any state fund deficit or insufficiency. See the Employer's Guide to Self Insurance L&I form F207-079-000 for how the deficit share is calculated.

(iii) Obtain the services of an individual or service organization with an individual qualified to administer a Washington workers' compensation program.

(A) A qualified claim administrator has satisfactorily demonstrated to the department:

(I) A thorough knowledge in Title 51 RCW and all workers' compensation rules; and

(II) An expertise in claim adjudication.

(B) The claim administrator must also have the authority to make prompt:

(I) Payment of all compensation and assessments when due; and

(II) Decisions regarding claim adjudication and awards.

(C) If a service organization will be used, submit a copy of the service contract.

(I) The contract copy may delete clause(s) relating to payment of services.

(II) However, if payment for services is based on the number of claims filed by the self insurer's workers, this must be explained in detail. The department may require an unaltered copy of the agreement for clarification.

(b) The group self insurer will be held accountable for:

(i) Its entire workers' compensation program, including all actions on its claims, regardless of whether it contracts with a service organization or administers its own program; and

(ii) Complying with and keeping informed of all changes to industrial insurance laws and rules.

(c) Certification will be effective the first day of the quarter after the department receives the surety and required documentation. If the applicant fails to provide the required information before the approved certification date and later wishes to follow through, the department will require the group to reapply.

(d) Certification of a group will include all of its members doing business in Washington. One certificate will be issued to an approved self insurer. All members of a group will be considered as one self insurer for the purposes of Title 51 RCW.

**(7) After becoming self insured, how will a group admit or terminate individual members?**

(a) Prospective members must submit an application to the group's board of trustees or its administrator. Approved applications must be filed with the department. Membership will take effect the first day of the calendar quarter after sending the application to the department.

(b) A group may terminate individual members according to its bylaws, or members may choose to terminate membership. Termination will be effective at the end of the month after it was reported to the department.

**(8) Who is on a group self insurer's board of trustees?** Members of the group elect the board of trustees. Trustees serve stated terms of office and direct the administration of the trust fund.

**(9) What are the responsibilities of a group self insurer's board of trustees?**

(a) A group self insurer's board of trustees is responsible for all operations of the group's trust fund and is expected to ensure the fund's financial stability. The board's duties include:

(i) Approving new members' applications.

(ii) Designating a fiscal agent and/or administrator to administer the financial affairs of the trust fund in accordance with Title 51 RCW and workers' compensation rules, including those regarding investments of funds, budget and accounting procedures.

(iii) Setting the schedule of due dates and premium amounts.

(iv) Managing deposits to and disbursements from the trust fund.

(v) Auditing the accounts and records of the trust fund annually and whenever required by the department. Copies of audits are due in the department within six months after the close of the fund year.

(vi) Maintaining and providing at department request:

(A) Summary loss data; and

(B) Certified copies of the minutes of trustee meetings.

(b) If specifically defined in board meeting minutes, the board may delegate authority for:

(i) Contracting with a service organization.

(ii) According to department requirements regarding investing surplus moneys, determining premiums and refunds.

(iii) Approving applications for membership.

**(10) What are a group self insurer's trustees, fiscal agents or administrators specifically prohibited from?**

(a) A group self insurer's trustee, fiscal agent or administrator CANNOT BE either:

(i) An owner or employee of a company under contract to the trust fund; or

(ii) An officer or employee of a service organization contracted to handle any business function of the group.

(b) A group self insurer's trustee, fiscal agent or administrator CANNOT do any of the following:

(i) Extend credit to members for premium payment.

(ii) Use money collected as premiums for any purpose unrelated to workers' compensation.

(iii) Borrow from or in the name of the fund without prior department approval. The group must advise the department of the purpose of the loan, and the department may decline to approve the loan.

(iv) During any coverage period, collect less than will be needed to cover claim and administrative costs, department assessments and a contingency reserve.

#### NEW SECTION

**WAC 296-15-121 Surety for a self insurance program.** (1) **What is surety?** Surety is the legal financial guarantee each self insurer must provide to the department for its self insured workers' compensation program. Failure to provide surety in the amount required by the department will result in the withdrawal of the self insurer's certification. If a self insurer defaults on (stops payment of) benefits and assessments, the department will use its surety to cover these costs.

(a) Surety must be provided on the department's form. The original will be kept by the department. Surety must cover all past, present and future self insurance liabilities.

(b) Surety may not be used by a self insurer to:

(i) Pay its workers' compensation benefits; or

(ii) Serve as collateral for any other banking transactions.

(c) Surety is not an asset of the self insurer and will not be released by the department if the self insurer files a petition for dissolution or relief under bankruptcy laws.

(d) The department will determine the amount of surety each self insurer must provide. The surety level may be increased or decreased to maintain its adequacy when necessary.

**(2) What types of self insurance surety will the department accept?** The department will accept the following types of surety:

(a) Cash, corporate or governmental securities deposited with a department approved escrow agent and administered

by a written agreement L&I form F207-039-000 between the department, self insurer and escrow agent. Use L&I form F207-137-000 for any rider/amendment to the escrow account.

An escrow account may not be used by the self insurer to satisfy any other obligation to the bank which maintains the escrow account.

(b) A bond L&I form F207-068-000 written by a company approved to transact surety business in Washington. Use L&I form F207-134-000 for any rider/amendment to the bond.

(c) An irrevocable standby letter of credit (LOC) L&I form F207-112-000 if the self insurer has a net worth of at least 500 million dollars. Use L&I form F207-111-000 for any rider/amendment. LOCs are subject to acceptance by the department. Acceptance includes, but is not limited to, approval of the financial condition of the issuing or confirming bank.

(i) The issuing or confirming bank must have a location in Washington. The bank must provide the department with an audited financial statement or call report made to the banking regulatory agencies for the most recent fiscal year. An audited statement/call report is due at LOC issuance and annually while the LOC is in effect.

(ii) The self insurer must provide the department a memorandum of understanding L&I form F207-113-000 showing the self insurer's agreement with the following conditions:

(A) The department will automatically extend an LOC for an additional year unless notified otherwise by registered mail at least sixty days prior to expiration.

(B) If the department is notified an LOC will not be replaced, and the self insurer fails to provide acceptable replacement surety within thirty days of notice:

(I) The department will draw the full value of the LOC. All proceeds of the LOC will be deposited with the department;

(II) Accrued interest in excess of the surety requirement will be returned semiannually to the self insurer; and

(III) If acceptable replacement surety is later provided, the proceeds of the LOC and accrued interest will be returned to the self insurer.

(C) If the self insurer defaults on the payment of workers' compensation benefits and has failed to provide acceptable replacement surety for an expired LOC:

(I) The title to the proceeds will be transferred to the department; and

(II) The proceeds and accrued interest will be used to pay the self insurer's workers' compensation benefits.

(D) If the self insurer defaults on the payment of workers' compensation benefits and has an LOC in force:

(I) The department will draw the full value of the LOC. All proceeds of the LOC will be deposited with the department; and

(II) The proceeds and accrued interest will be used to pay the self insurer's workers' compensation benefits.

(iii) If the self insurer provides another acceptable type of surety in the amount required by the department, the department's interest in the LOC will be released.

(iv) All legal proceedings regarding a self insurer's LOC will be subject to Washington laws and courts.

(3) **How often is each self insurer's surety requirement reviewed?** Each self insurer's surety requirement is reviewed annually based on the self insurer's annual report.

(4) **When could a self insurer's surety level change?**

(a) Surety will be maintained at the current level unless the department's estimate or an independent qualified actuary's estimate of the self insurer's outstanding claim liabilities changes by more than twenty-five thousand dollars.

(b) Surety changes are due by July 1 of each year.

(5) **How does the department determine the required surety level?** The department analyzes each self insurer's loss history using incurred development, paid development or other department approved actuarial methods of loss development. The following factors also may influence the surety determination:

(a) Pension claims.

(b) Reinsurance.

(c) Inconsistency in reserving practices.

(d) Independent qualified actuarial estimate.

(e) Surety cap.

(6) **What is considered reinsurance?** For the purposes of Title 51 RCW, excess insurance and reinsurance mean the same thing.

(7) **May a self insurer reinsure part of its liability?**

(a) A self insurer may reinsure up to eighty percent of its liability under Title 51 RCW.

(b) The reinsuring company and its personnel are prohibited from participating in the administration of the responsibilities of the self insurer.

(c) Reinsurance policies issued after July 1, 1975, must include endorsements which state (a) and (b) of this subsection.

(d) The self insurer must:

(i) Notify the department of the name of the insurance carrier, the extent and coverage period of the policy; and

(ii) Submit copies of all reinsurance policies in force including all modifications and renewal provisions.

(e) The department may accept a certificate of insurance L&I form F207-095-000 in place of the policy if it certifies all coverage conditions and exceptions and that the reinsurance company and its personnel do not participate in the administration of the responsibilities of the self insurer under Title 51 RCW.

(8) **What if a self insurer ends its self insured workers' compensation program?** If a self insurer voluntarily surrenders certification or has its certificate involuntarily withdrawn by the department, the former self insurer must continue to do all of the following:

(a) Pay benefits on claims incurred during its period of self insurance. Claim reopenings and new claims filed for occupational diseases incurred during the period of self insurance remain the obligation of the former self insurer.

(b) File quarterly and annual reports as long as quarterly reporting is required. A former self insurer may ask the department to release it from quarterly reporting after it has had no claim activity with the exception of pension or death benefits for a full year.

(c) Provide surety at the department required level. The department may require an increase in surety based on annual reports as they continue to be filed. Surety will not be reduced from the last required level (while self insured) until three full calendar years after the certificate was terminated. A bond may be cancelled for future obligations but it continues to provide surety for claims occurring prior to its cancellation.

(d) Pay insolvency trust assessments for three years after surrender or withdrawal of certificate.

(e) Pay all expenses for a final audit of its self insurance program.

**(9) When could the department consider releasing surety to a former self insurer or its successor?**

(a) The department may consider release of surety to a former self insurer or its successor when all of the following have occurred:

(i) All claims against the self insurer are closed; and

(ii) The self insurer has been released from quarterly reporting for at least ten years.

(b) If the department releases surety, the former self insurer remains responsible for claim reopenings and new claims filed for occupational disease incurred during the period of self insurance.

#### NEW SECTION

**WAC 296-15-151 Surety for a public entity's self insurance program.** (1) **How does the department determine the required surety level for a public entity?** The required surety level for a public entity will be its estimated claim costs for all claims during the upcoming fiscal year. The minimum surety amount will be determined annually by the department.

(2) **How does a public entity provide surety?** By July 1 of each year, each public entity must submit its public entity surety certification. A public entity's surety certification must demonstrate that it has sufficient revenues in its next budget to meet its estimated claim costs for the next fiscal year by documenting:

(a) The estimated claim liabilities;

(b) Source of revenues, detailing accounts identified for self insurance obligations; and

(c) How the cumulative reserve (twenty-five percent of the required surety) is funded and show the account balance.

(3) **What type of surety may a public entity use for its cumulative reserve?** A public entity may provide surety for its cumulative reserve using any of the surety types listed in WAC 296-15-221.

#### NEW SECTION

**WAC 296-15-161 Surety for a group self insurance program.** (1) **How does the department determine the required surety level for a group self insurer?** After the initial five years of certification, the department will annually calculate the surety requirement for a group self insurer by comparing its original liability estimate to its reserve fund. If the difference is:

(a) Less than fifteen percent, the department will accept the stated reserves of the group as the required surety level.

(b) Greater than fifteen percent, the department will establish the group's required surety level.

(2) **What type of surety is acceptable for a group self insurer's reserve fund?** A group self insurer's reserve fund must be cash.

(3) **May a group self insurer pay expenses from its reserve fund?** A group self insurer may pay only the following items from its cash reserve fund:

(a) Administrative expenses for operating the group self insurance program, including claims handling expenses, legal, investigative or administrative costs and department administrative assessments.

(b) Claim expenditures. Supplemental pension fund (SPRF) benefits may also be paid from the reserve fund if the group redeposits SPRF reimbursements into the reserve account. Interest earned by the reserve account must remain in the account while this method is in effect.

(c) Reinsurance premiums. All recoveries from these policies must be redeposited into the reserve fund. Within eighteen months of premium payment, the group must return the amount paid for premiums if reinsurance recoveries were not sufficient to return the account to its original amount.

(4) **How can a group self insurer assess its members for reserve fund costs?** A group self insurer may determine how it will assess members for required reserve fund costs. The group's bylaws must describe the procedures it will use to collect these costs.

(5) **Must a group self insurer purchase reinsurance?** A group self insurer must obtain reinsurance for each year of operation to ensure adequate protection against catastrophic or unexpected loss.

(6) **What if a group self insurer collects excess premiums during a fund year and has a surplus?** A group self insurer may refund surplus money from a fund year if it retains sufficient money to fulfill all of its workers' compensation obligations. This includes maintaining the required reserve fund.

(7) **What if a group self insurer collects insufficient premiums during a fund year and has a deficit?** A group self insurer may cover a deficit by:

(a) After receiving department approval, using:

(i) Unencumbered surplus from a different fund year;

(ii) An alternative method; or

(b) Assessing the membership. The department may require the group to use this method.

#### NEW SECTION

**WAC 296-15-171 Surety for a self insured pension or fatality claim.** (1) **When must a self insurer provide funding for a permanent total disability (pension) or fatality claim?** Within sixty days of receipt of the order, the self insurer must fund the pension or fatality claim.

(2) **What types of funding may a self insurer use for a pension or fatality claim?** A self insurer may fund a pension or fatality claim with cash, a bond on L&I form F207-

065-000, annuity on L&I form F207-129-000 or assignment of account on L&I form F207-058-000. If the pension benefit level increases, the self insurer must increase the surety level or provide additional surety to cover the deficiencies.

(3) **What is an annuity?** An annuity is a contract with an insurance company where the insurance company agrees to pay to the department a specific amount covering the lifetime of a claimant.

(4) **What is an assignment of account?** A self insurance assignment of account/certificate of deposit is a legal instrument executed by the self insurer and an approved commercial banking institution in Washington. The assignment of account must:

(a) Identify an existing account on deposit with the approved banking institution in the name of the self insurer. The existing assigned account must contain the amount determined necessary by the department to cover the pension benefits on the specific claim beyond all other assignments on that account. A separate assignment of account must be established for each pension.

(b) Bind the self insurer to maintain a balance in the assigned account at least equal to the current present cash value of the pension benefits on the claim and beyond all other assignments on the account for the life of the claim. Present cash values of the assigned account/certificate of deposit will be revised annually by the department. Quarterly pension payments made from the assigned account must not reduce the account balance below the present cash value of the pension beyond all other assignments on the same account.

(c) Authorize the department, if the self insurer defaults, to immediately withdraw up to the entire amount assigned to the pension claim from the assigned account/certificate of deposit. The department will take this action without notifying the defaulting self insurer.

(d) If the bank holding the assignment of account/certificate of deposit fails, the self insurer is responsible for the entire amount of the pension or fatality obligation. Within thirty days, the self insurer must:

(i) Establish a new assignment of account/certificate of deposit, bond; or

(ii) Deposit cash into the reserve fund.

(e) If the self insurer ends its self insurance status, the assignment of account/certificate of deposit will be placed with the department. The department will determine the required reserve for the pension or fatality claim, and any excess will be returned to the former self insurer.

#### NEW SECTION

**WAC 296-15-181 Funding the benefits of an insolvent self insurer.** (1) **What happens when a self insurer defaults on (stops paying) workers' compensation benefits and assessments?** When a self insurer stops paying workers' compensation benefits or assessments, and the default is not due to a claims administration decision, the department will take over its surety and claims. The department will manage the claims and bill the surety each quarter to reimburse benefits paid.

(2) **If a defaulting self insurer has multiple types of surety, who determines the order in which surety will be used?** The department has the sole authority to determine the order in which surety types will be used.

(3) **What happens if the defaulting self insurer's surety is exhausted?** When surety is exhausted, the insolvency trust (all self insurers except school districts, cities and counties) will be assessed quarterly to cover the claim costs paid on behalf of the defaulted self insurer.

(4) **Who is on the insolvency trust board?** The insolvency trust board consists of the director or designee, three representatives of self insured employers and one representative of workers. Representatives are nominated by the self insured and labor communities and are appointed by the director for overlapping two year terms.

(5) **What does the insolvency trust board do?** The board advises the department on insolvency trust matters. The department makes all final decisions.

(6) **What annual report is provided on the insolvency trust fund?** The department provides a written status report on the insolvency trust fund as of the end of the previous calendar year annually to the workers' compensation advisory committee. The report is presented at the committee's first quarterly meeting no later than March 31.

#### NEW SECTION

**WAC 296-15-221 Self insurers' reporting requirements.** (1) **What information must self insurers report to the department?** Each self insurer must provide the department:

(a) The name, title, address and phone number of the single contact person who is the liaison with the department in all self insurance matters. This contact will be sent all department correspondence and is responsible for forwarding information to appropriate parties for timely action.

(b) A copy of its current policy of applying sick leave, health and welfare benefits or any other compensation in conjunction with or as a substitute for time loss benefits.

(2) **When must self insurers notify the department of business status changes?** Self insurers must notify the department in writing:

(a) Immediately, of any plans to:

(i) Cease business entirely or cease business in Washington; or

(ii) Dispose of controlling financial interest of the original self insurer. The self insurer must surrender its certificate for cancellation if requested by the department.

(b) Within thirty days, of any:

(i) Amendment(s) or modification(s) to the self insurer's articles, charter or agreement of incorporation, association, copartnership or sole proprietorship which will materially change the business identity or structure originally certified.

(A) The department may require additional documentation.

(B) If the self insurer becomes a subsidiary to another firm, the parent must provide the department with its written guarantee L&I form F207-040-001 to assume responsibility

for all workers' compensation liabilities of the subsidiary if the subsidiary defaults on its liabilities. See WAC 296-15-021 for additional information.

(ii) Separation (for example, divestiture or spinoff) of any part of the original self insurer.

(A) The original self insurer remains responsible for claims liability of the separated part up to the date of separation unless the department approves an alternative.

(B) If the separating part wishes to continue self insurance, it must submit an application to the department at least thirty days before separation and requested certification.

(C) If certification cannot be granted before separation, industrial insurance coverage must be purchased from the state fund from the date of separation.

(iii) Relocating, adding or closing physical locations.

(3) **When must self insurers notify the department of administrative changes?** Self insurers must notify the department in writing within ten days, of any change to its:

(a) Single contact person who is the liaison with the department in all self insurance matters. Include the contact's title, address and phone number.

(b) Contract with a service organization/third party administrator independent of the self insurer which will participate in the self insurer's responsibilities. Submit a copy of the service contract. See WAC 296-15-021 for additional information.

(c) Administrator of its workers' compensation program.

(4) **What reports must self insurers submit to the department?** Each self insurer must submit:

(a) Complete and accurate quarterly reports summarizing worker hours and claim costs paid the previous quarter. Use a form substantially similar to the preprinted SIQTRR form sent by the department. Payment is due the 30th day after receiving the preprinted report from the department. This report is the basis for determining the administrative, second injury fund, supplemental pension, asbestosis and insolvency trust assessments.

(i) Administrative, second injury fund and insolvency trust assessments are based on a self insurer's total claim costs. Total claim costs during a quarter include, but are not limited to:

(A) Time loss compensation. Include the amount of time loss the worker would have been entitled to if kept on full salary.

(B) Permanent partial disability (PPD) awards.

(C) Medical bills.

(D) Prescriptions.

(E) Medical appliances.

(F) Independent medical examinations and/or consultations.

(G) Loss of earning power.

(H) Travel expenses for treatment or rehabilitation.

(I) Vocational rehabilitation expenses.

(J) Penalties paid to injured workers.

(K) Interest on board orders.

(ii) Supplemental pension (SPRF) and asbestosis fund assessments are based on a self insurer's worker hours. Worker hours must be reported as defined in chapter 296-17 WAC General reporting rules, classifications, audit and

recordkeeping, rates and rating system for Washington workers' compensation insurance.

Note: Self insurers may request reimbursement quarterly from SPRF as authorized under Title 51 RCW. Use a form substantially similar to L&I form F207-011-000 or F207-011-222, if there is social security offset.

(iii) The administrative assessment covers department administrative costs, including expenses of other department divisions, the University of Washington environmental research facility, the board of industrial insurance appeals and other general administrative costs. The administrative assessment rate is applied to a self insurer's total claim costs.

(A) The administrative assessment rate is based on the actual costs of the previous fiscal year and the anticipated costs of the upcoming fiscal year. Employers certified after the fiscal year used for calculation will be assessed at a rate that does not include prior fiscal periods.

(B) Employers no longer self insured must pay an adjusted assessment rate until one year after all self insurance liabilities and responsibilities are terminated.

(C) The minimum quarterly assessment is twenty-five dollars.

(iv) The second injury fund rate will be based on anticipated second injury fund costs.

(A) Self insurers' contributions to the second injury fund will be recorded in the self insurers' account, separate from the state fund account.

(B) The self insurers' second injury fund must maintain a two hundred thousand dollars minimum balance.

(v) Insolvency trust members (all self insurers except school districts, cities and counties) are also assessed to cover claim payments made by the department on behalf of insolvent self insurers. School districts, cities and counties are exempt from and are not covered by this insolvency trust. Any interest earned on the assessment becomes part of the insolvency trust fund. The insolvency assessment rate is applied to a self insurer's total claim costs. Failure to pay an insolvency trust assessment is grounds for withdrawal of certification. Members who voluntarily surrender certification must continue to pay this assessment for three years after the date of surrender.

(b) Complete and accurate annual report of all claim costs paid for each year of liability with an estimate of future claim costs. Use a form substantially similar to SIF-7 L&I form F207-007-000. This report is due March 1, and is the basis for the department's annual determination of each self insurer's surety requirement.

(c) Fully audited financial statement within six months after the end of the self insurer's fiscal year. This report demonstrates the self insurer's continued ability to provide benefits and assessments as required. The department will consider a written request for filing time extension.

(i) This statement must be prepared by a certified public accountant.

(ii) A self insurer with a parental guarantee may submit the parent's fully audited financial statement if the parent's audited statement includes the financial condition of all subsidiaries, including the self insurer.

(iii) A political subdivision of the state may submit a state auditor's report if it includes the self insurer's audited financial statement. If the state auditor does not audit annually, political subdivisions must submit financial statements prepared internally for the years between reports by the state auditor.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 296-15-010 Preamble and authority.
- WAC 296-15-020 Certification to self-insure.
- WAC 296-15-022 Corporate guarantee.
- WAC 296-15-023 Entities included in certification.
- WAC 296-15-025 Joint venture.
- WAC 296-15-026 Group self-insurance application.
- WAC 296-15-02601 Group self-insurers admission of new members, termination of individual members.
- WAC 296-15-02602 Group self-insurance reports.
- WAC 296-15-02603 Group self-insurance trustee responsibilities.
- WAC 296-15-02604 Group self-insurance funds—Surplus distribution—Deficit.
- WAC 296-15-02605 Reserves.
- WAC 296-15-030 Surety requirement.
- WAC 296-15-045 Payment of deficit.
- WAC 296-15-050 Reinsurance.
- WAC 296-15-060 Administrative cost assessment.
- WAC 296-15-065 Self-insurers' insolvency trust.
- WAC 296-15-080 Statement of financial condition.
- WAC 296-15-090 Application of supplemental moneys in payment of compensation.
- WAC 296-15-110 Contract with a service organization.
- WAC 296-15-130 Administration of self-insurance.
- WAC 296-15-135 Contact person.

- WAC 296-15-145 Expense of withdrawn certificate audit.
- WAC 296-15-150 Accident prevention program.
- WAC 296-15-170 Cessation of business—Change of status.
- WAC 296-15-210 Supplementation of temporary total disability compensation by self-insured employers.
- WAC 296-15-215 Cash, bond or assignment of account alternative for death or permanent total disability.
- WAC 296-15-220 Second injury fund.

**WSR 99-18-071  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Children's Administration)  
[Filed August 31, 1999, 2:44 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-05-070.

Title of Rule: WAC 388-165-108 What are the types of child care subsidies? WAC 388-165-179 When are DSHS child care subsidy rates in this chapter effective? WAC 388-165-180 What are the maximum child care subsidy rates DSHS pays for child care in a licensed or certified child care center? WAC 388-165-185 What are the maximum child care rates DSHS pays for child care in a licensed or certified family child care homes? WAC 388-165-190 When can DSHS pay in addition to the maximum DSHS child care subsidy rate? WAC 388-165-195 What is nonstandard hour child care? WAC 388-165-200 How does DSHS pay for nonstandard hour child care? WAC 388-165-205 Does DSHS pay a bonus for infants who receive child care subsidies? WAC 388-165-210 How does DSHS determine that a child qualifies for a special needs rate? WAC 388-165-215 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified child care center? WAC 388-165-220 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified family child care home? WAC 388-165-225 What is the DSHS in-home/relative child care rate for children with special needs? WAC 388-165-230 What is the maximum child care subsidy rate DSHS pays for in-home/relative child care? WAC 388-165-240 What are the parent/guardian payment responsibilities when they choose in-home/relative child care? WAC 388-165-245 What is the responsibility of DSHS regarding child care subsidies for in-home/relative child care? and WAC 388-165-250 When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?

**PROPOSED**

Purpose: WACs were written to establish rules related to the different rates and bonuses DSHS pays for subsidized child care effective November 1, 1999. Rules also state the maximum rates paid for child care and when exceptions can be made. These rules were written in clear rule writing style to comply with Governor Locke's Executive Order 97-02 on regulatory improvement.

Statutory Authority for Adoption: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090.

Statute Being Implemented: RCW 74.12.340, 74.04.050, 74.04.055, and 74.08.090.

Summary: Rules establish the DSHS maximum child care subsidy rates paid to licensed or certified family child care homes, and licensed or certified child care centers which will be phased in on November 1, 1999. Standard maximum rates and special needs subsidy rates are divided by region and the child's age category. Rules explain when and at what rate DSHS pays the nonstandard hour bonus and the infant bonus. In-home/relative child care rates and rules are established.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sally Reigel, P.O. Box 45700, Olympia, WA 98504-5700, (360) 902-8046.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules establish DSHS maximum child care subsidy rates paid to licensed or certified family child care homes, and licensed or certified child care centers and when exceptions can be made to the rate. Standard maximum rates and special needs subsidy rates are divided by region and the child's age category. Rules explain when and at what rate DSHS pays the nonstandard hour bonus and the infant bonus. Exempt in-home/relative child care rates and rules are established. These rules were written in clear rule writing style to comply with Governor Locke's Executive Order 97-02 on regulatory improvement.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Children's Administration has analyzed its proposed new rules and concludes that they do not impose any new costs on businesses that they regulate. Consequently, the preparation of a small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. The proposed rules do meet the definition of significant legislative rules as defined in RCW 34.05.328. The department has prepared a cost benefit analysis (CBA). To obtain a copy of the CBA contact Sally Reigel, P.O. Box 45700, Olympia, WA 98504-5700, (360) 902-8046.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on October 5, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by September 24, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance

Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by October 5, 1999.

Date of Intended Adoption: October 6, 1999.

August 25, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## Chapter 388-165 WAC

### CHILDREN'S ADMINISTRATION CHILD CARE SUBSIDY PROGRAMS

#### NEW SECTION

**WAC 388-165-108 What are the types of child care subsidies?** This chapter relates to the following programs:

- (1) Seasonal child care;
- (2) Teen parent child care;
- (3) Child protective services child care;
- (4) Child welfare services child care; and
- (5) Employed foster parent child care.

#### NEW SECTION

**WAC 388-165-179 When are DSHS child care subsidy rates in this chapter effective?** (1) DSHS child care subsidy rates in this chapter are effective on or after November 1, 1999 when a family:

- (a) Has a change that requires their authorization to be updated;
- (b) Is newly authorized to receive child care subsidies; or
- (c) Is reauthorized to continue receiving child care subsidies.

(2) DSHS child care subsidy rates are authorized at the provider's usual rate or the DSHS maximum child care subsidy rate, whichever is less.

#### NEW SECTION

**WAC 388-165-180 What are the maximum child care subsidy rates DSHS pays for child care in a licensed or certified child care center?** DSHS pays directly to a licensed or certified child care center, whichever is less:

- (1) The provider's usual rate for that child; or
- (2) The DSHS maximum child care subsidy rate for that child as listed in the following table.



**DSHS Maximum Child Care Subsidy Rate for Licensed Child Care Centers**

		Infants (Birth-11 mos.)	Toddlers (12-29 mos.)	Preschool (30 mos.-5 years)	School-age (5-12 years)
Region 1	Full-Day	\$22.73	\$19.85	\$18.00	\$16.70
	Half-Day	\$11.36	\$9.93	\$9.00	\$8.35
Region 2	Full-Day	\$23.18	\$20.45	\$17.75	\$16.82
	Half-Day	\$11.59	\$10.23	\$8.88	\$8.41
Region 3	Full-Day	\$30.18	\$26.00	\$22.00	\$19.77
	Half-Day	\$15.09	\$13.00	\$11.00	\$9.89
Region 4	Full-Day	\$37.80	\$29.55	\$26.14	\$23.40
	Half-Day	\$18.90	\$14.77	\$13.07	\$11.70
Region 5	Full-Day	\$25.82	\$22.18	\$19.45	\$17.50
	Half-Day	\$12.91	\$11.09	\$9.73	\$8.75
Region 6	Full-Day	\$25.59	\$22.73	\$20.00	\$20.00
	Half-Day	\$12.80	\$11.36	\$10.00	\$10.00

- (3) The maximum rate paid for a five year old child is:  
 (a) The preschool rate for a child who has not entered kindergarten; or  
 (b) The school-age rate for a child who has entered kindergarten.

**NEW SECTION**

**WAC 388-165-185 What are the maximum child care subsidy rates DSHS pays for child care in a licensed or certified family child care homes?** DSHS pays directly to a licensed or certified family child care provider, whichever is less:

- (1) The provider's usual rate for that child; or  
 (2) The DSHS maximum child care subsidy rate for that child as listed in the following table.

**DSHS Maximum Child Care Subsidy Rate for Licensed Family Child Care Homes**

		Infants (Birth-11 mos.)	Toddlers (12-29 mos.)	Preschool (30 mos.-5 years)	School-age (5-12 years)
Region 1	Full-Day	\$19.00	\$17.60	\$17.00	\$15.00
	Half-Day	\$9.50	\$8.80	\$8.50	\$7.50
Region 2	Full-Day	\$18.00	\$18.00	\$16.00	\$15.00
	Half-Day	\$9.00	\$9.00	\$8.00	\$7.50
Region 3	Full-Day	\$28.00	\$24.00	\$22.00	\$20.00
	Half-Day	\$14.00	\$12.00	\$11.00	\$10.00
Region 4	Full-Day	\$30.00	\$27.27	\$25.00	\$22.50
	Half-Day	\$15.00	\$13.64	\$12.50	\$11.25
Region 5	Full-Day	\$21.00	\$20.00	\$19.00	\$17.00
	Half-Day	\$10.50	\$10.00	\$9.50	\$8.50
Region 6	Full-Day	\$20.50	\$20.00	\$18.00	\$17.00
	Half-Day	\$10.25	\$10.00	\$9.00	\$8.50

- (3) The maximum rate paid for a five year old child is:  
 (a) The preschool rate for a child who has not entered kindergarten; or  
 (b) The school-age rate for a child who has entered kindergarten.

- (1) Care is for nonstandard hours (see WAC 388-165-195 and 388-165-200);  
 (2) The infant bonus is authorized (see WAC 388-165-205);  
 (3) A child has a documented special need(s) (see WAC 388-165-210, 388-165-215, or 388-165-220); or  
 (4) Care is not available at the DSHS rate and the provider's usual rate is authorized.

**NEW SECTION**

**WAC 388-165-190 When can DSHS pay in addition to the maximum DSHS child care subsidy rate?** DSHS pays additional subsidies to a licensed or certified family child care home or center when:

**NEW SECTION**

**WAC 388-165-195 What is nonstandard hour child care?** DSHS authorizes nonstandard hour child care when fifteen or more hours of care are needed per month, that are:

- (1) Before 6:00 a.m. or after 6:00 p.m. Monday through Friday; and/or
- (2) Anytime on Saturday or Sunday.

**NEW SECTION**

**WAC 388-165-200 How does DSHS pay for non-standard hour child care?** DSHS authorizes the nonstandard hour bonus to licensed or certified child care providers, DSHS pays:

- (1) The DSHS maximum child care subsidy rate as listed in WAC 388-165-180 or 388-165-185 or the provider's usual rate for that child, whichever is less; and
- (2) The monthly nonstandard hour bonus as listed in the table below.

Monthly Nonstandard Hour Bonus	
Region 1	\$74.00
Region 2	\$73.00
Region 3	\$91.00
Region 4	\$108.00
Region 5	\$80.00
Region 6	\$83.00

**NEW SECTION**

**WAC 388-165-205 Does DSHS pay a bonus for infants who receive child care subsidies?** DSHS child care subsidy programs pay a two hundred and fifty dollar infant

**Licensed Child Care Centers Special Needs Rate**

		Infants (Birth-11 mos.)	Toddlers (12-29 mos.)	Preschool (30 mos.-5 years)	School-age (5-12 years)
Region 1	Full-Day	\$6.82	\$5.96	\$5.40	\$5.01
	Half-Day	\$3.41	\$2.98	\$2.70	\$2.51
Region 2	Full-Day	\$6.95	\$6.14	\$5.33	\$5.05
	Half-Day	\$3.48	\$3.07	\$2.66	\$2.52
Region 3	Full-Day	\$9.05	\$7.80	\$6.60	\$5.93
	Half-Day	\$4.53	\$3.90	\$3.30	\$2.97
Region 4	Full-Day	\$11.34	\$8.86	\$7.84	\$7.02
	Half-Day	\$5.67	\$4.43	\$3.92	\$3.51
Region 5	Full-Day	\$7.75	\$6.65	\$5.84	\$5.25
	Half-Day	\$3.87	\$3.33	\$2.92	\$2.63
Region 6	Full-Day	\$7.68	\$6.82	\$6.00	\$6.00
	Half-Day	\$3.84	\$3.41	\$3.00	\$3.00

- (3) The maximum rate paid for a five year old child is:
  - (a) The preschool rate for a child who has not entered kindergarten; or
  - (b) The school-age rate for a child who has entered kindergarten.

bonus directly to the licensed or certified family child care home or center if:

- (1) The child care has not already received a bonus for that infant;
- (2) The infant was first enrolled in the child care after August 30, 1998;
- (3) The infant is less than one year old; and
- (4) The provider cares for the infant a total of five or more days before the child's first birthday.

**NEW SECTION**

**WAC 388-165-210 How does DSHS determine that a child qualifies for a special needs rate?** To qualify for the DSHS child care programs special needs subsidy rate the child must:

- (1) Be under nineteen years old;
- (2) Have a verified physical, mental, emotional, or behavioral condition that requires a higher level of care; and
- (3) Have their condition and need for higher level of care verified by a health, mental health, or education professional with at least a master's degree.

**NEW SECTION**

**WAC 388-165-215 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified child care center?** DSHS pays child care subsidies for a child with special needs to licensed or certified child care centers as described in WAC 388-165-180 and whichever of the following is greater:

- (1) The provider's documented additional cost associated with the care of that child with special needs; or
- (2) The rate listed in the table below.

**NEW SECTION**

**WAC 388-165-220 What is the DSHS child care subsidy rate for children with special needs in a licensed or certified family child care home?** DSHS pays child care subsidies for a child with special needs to licensed or certified

PROPOSED

family child care homes as described in WAC 388-165-195 and whichever of the following is greater:

- (1) The provider's documented additional cost associated with the care of that child with special needs; or
- (2) The rate listed in the table below.

**Licensed Family Child Care Homes Special Needs Bonus**

		Infants (Birth-11 mos.)	Toddlers (12-29 mos.)	Preschool (30 mos.-5 years)	School-age (5-12 years)
Region 1	Full-Day	\$5.70	\$5.28	\$5.10	\$4.50
	Half-Day	\$2.85	\$2.64	\$2.55	\$2.25
Region 2	Full-Day	\$5.40	\$5.40	\$4.80	\$4.50
	Half-Day	\$2.70	\$2.70	\$2.40	\$2.25
Region 3	Full-Day	\$8.40	\$7.20	\$6.60	\$6.00
	Half-Day	\$4.20	\$3.60	\$3.30	\$3.00
Region 4	Full-Day	\$9.00	\$8.18	\$7.50	\$6.75
	Half-Day	\$4.50	\$4.09	\$3.75	\$3.38
Region 5	Full-Day	\$6.30	\$6.00	\$5.70	\$5.10
	Half-Day	\$3.15	\$3.00	\$2.85	\$2.55
Region 6	Full-Day	\$6.15	\$6.00	\$5.40	\$5.10
	Half-Day	\$3.08	\$3.00	\$2.70	\$2.55

(3) The maximum rate paid for a five year old child is:

- (a) The preschool rate for a child who has not entered kindergarten; or
- (b) The school-age rate for a child who has entered kindergarten.

NEW SECTION

**WAC 388-165-225 What is the DSHS in-home/relative child care rate for children with special need?** DSHS subsidy programs pay in-home/relative child care providers for care of a child with special needs (as described in WAC 388-15-185) two dollars per hour plus, whichever is greater of the following:

- (1) Sixty-two cents per hour; or
- (2) The provider's documented additional cost associated with the care for that child with special needs.

NEW SECTION

**WAC 388-165-230 What is the maximum child care subsidy rate DSHS pays for in-home/relative child care?**

- (1) The DSHS child care subsidy programs pay toward the cost of child care directly to the parent, who is the employer. DSHS pays whichever of the following that is less:
  - (a) Two dollars and six cents per hours for the child who needs the greatest amount of care and one dollar and three cents per hour for the care of each additional child in the family; or
  - (b) The provider's usual rate for that care.
- (2) DSHS may pay above the maximum rate for children who have special needs as stated in WAC 388-165-225.

NEW SECTION

**WAC 388-165-240 What are the parent/guardian payment responsibilities when they choose in-home/rela-**

**tive child care?** The parent is the employer of the in-home/relative provider. The parent:

- (1) Pays the provider the entire amount that DSHS gives them toward the cost of care;
- (2) Pays the provider the amount that was authorized for a co-payment;
- (3) Requires the in-home/relative provider to sign a receipt when they receive payment;
- (4) Keeps the receipts for DSHS to review at the next eligibility determination; and
- (5) Keeps accurate attendance records.

NEW SECTION

**WAC 388-165-245 What is the responsibility of DSHS regarding child care subsidies for in-home/relative child care?** (1) On all payments DSHS makes toward the cost of in-home/relative child care, DSHS pays the employer's share of:

- (a) Social Security taxes;
  - (b) Medicare taxes;
  - (c) Federal Unemployment Taxes (FUTA); and
  - (d) State unemployment taxes (SUTA) when applicable.
- (2) On all payments DSHS makes toward the cost of in-home/relative child care DSHS withholds the following taxes:
- (a) Social security taxes up to the wage base limit; and
  - (b) Medicare taxes.
- (3) If an in-home/relative child care provider receives less than one thousand one hundred dollars per family in a calendar year, DSHS refunds all withheld taxes to the provider.

NEW SECTION

**WAC 388-165-250 When can DSHS pay toward the cost of in-home/relative child care provided outside the child's home?** DSHS will pay toward the cost of child care

**PROPOSED**

provided in the relative's home by the following adult relative of the child:

- (1) Siblings and stepsiblings living outside the child's home;
- (2) Grandparents;
- (3) Aunts;
- (4) Uncles;
- (5) First cousins;
- (6) Great grandparents;
- (7) Great aunts;
- (8) Great uncles; and
- (9) Extended family members as determined by law or custom of the Indian child's tribe.

**WSR 99-18-072**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services)  
 (WorkFirst Division)

[Filed August 31, 1999, 2:47 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 99-14-024.

Title of Rule: WAC 388-310-0200 WorkFirst activities, 388-310-0300 WorkFirst—Exemptions for mandatory exemptions, 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant, 388-310-0700 WorkFirst—Employability evaluation, and 388-310-1400 WorkFirst—Community service.

Purpose: Comply with legislative intent to reduce exemption for parents with infants from twelve to three months of age.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050.

Statute Being Implemented: Chapter 74.08A RCW.

Summary: Reduces exemption for WorkFirst participants with infants from twelve months of age of the infant to three months of age. Enhances WorkFirst support services for WorkFirst participants who have infants up to twelve months of age.

Reasons Supporting Proposal: Comply with legislative intent.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Allen D. Shanafelt, WorkFirst Division, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3243, fax (360) 413-3482.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Reduces exemptions for WorkFirst participants with infants from twelve to three months. Requires parents in WorkFirst to begin participation in WorkFirst activities when the participant's infant(s) reach the age of three months.

Enhances services for WorkFirst parents who have infants up to age twelve months.

Proposal Changes the Following Existing Rules: Reduces exemptions for WorkFirst participants with infants from twelve to three months. Requires parents in WorkFirst to begin participation in WorkFirst activities when the participant's infant(s) reach the age of three months. Enhances services for WorkFirst parents who have infants up to age twelve months. Amends WAC 388-310-0200 WorkFirst—Activities, 388-310-0300 WorkFirst—Activities [Exemptions] for mandatory exemptions, 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant, 388-310-0700 WorkFirst—Employability evaluation, and 388-310-1400 WorkFirst—Community service.

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

RCW 34.05.328 applies to this rule adoption. The Department of Social and Health Services is exempt from RCW 34.05.328 for significant legislative rules relating to client eligibility.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on October 5, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by September 24, 1999, phone (360) 664-6094, TTY (360) 664-6178, e-mail wallpg@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by October 5, 1999.

Date of Intended Adoption: No sooner than October 6, 1999.

August 26, 1999

Marie Myerchin-Redifer, Manager  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 99-08-051, filed 4/1/99, effective 5/2/99)

**WAC 388-310-0200 WorkFirst—Activities. (1) Who is required to participate in WorkFirst activities?**

(a) You are required to participate in WorkFirst activities, and become what is called a "mandatory participant," if you:

- (i) Receive TANF(~~(-GA-S)~~) or SFA cash assistance; and
- (ii) Are a custodial parent or age sixteen or older; and
- (iii) Are not exempt. (You can only get this exemption if you are caring for ((a)) your child under ((twelve)) three months of age. See WAC 388-310-0300 for more details).

(b) Participation is voluntary for all other WorkFirst participants (those who no longer receive or have never received TANF(~~(-GA-S)~~) or SFA cash assistance).

**(2) What activities do I participate in when I enter the WorkFirst program?**

When you enter the WorkFirst program, you will participate in one or more of the following activities (which are described in more detail in other sections of this chapter):

- (a) Paid employment (see WAC 388-310-0400(1)(a) and 388-310-1500);
- (b) Self employment (see WAC 388-310-1700);
- (c) Job search (see WAC 388-310-0600);
- (d) Community jobs (see WAC 388-310-1300)
- (e) Work experience (see WAC 388-310-1100);
- (f) On-the-job training (see WAC 388-310-1200);
- (g) Vocational educational training (see WAC 388-310-1000);
- (h) Basic education activities (see WAC 388-310-0900);
- (i) Job skills training (see WAC 388-310-1050);
- (j) Community service (see WAC 388-310-1400); and/or
- (k) Activities provided by tribal governments for tribal members and other American Indians (see WAC 388-310-1400(1) and 388-310-1900).

**(3) If I am a mandatory participant, how much time must I spend doing WorkFirst activities?**

If you are a mandatory participant, you will be required to spend up to forty hours a week working, looking for work or preparing for work. You will have an individual responsibility plan (described in WAC 388-310-0500) that includes the number of hours a week that you are required to participate.

**(4) What activities do I participate in after I get a job?**

You may participate in other activities, which are called "post employment services" (described in WAC 388-310-1800) once you are working twenty hours or more a week. Work can include a paid, unsubsidized job, self-employment, college work study or a subsidized job like a community jobs placement. Post employment services include:

- (a) Activities that help you keep a job (called an "employment retention" service); and/or
- (b) Activities that help you get a better job (called a "wage and skill progression" service).

**AMENDATORY SECTION** (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

**WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) **If I am a mandatory participant, when can I be exempted from participating in WorkFirst activities?****

You can claim an exemption from participating in WorkFirst activities during months that you are needed in the home to personally provide care for ~~((a))~~ your child under ~~((twelve))~~ three months of age ~~((—You can only claim this exemption for up to twelve months in your lifetime)).~~

**(2) Can I participate in WorkFirst while I am exempt?**

You ~~((can))~~ may choose to participate in WorkFirst while you are exempt ~~((, and the time you participate does not count against your twelve month limit)).~~ If you decide later to stop participating, and you still qualify for an exemption, you will be put back into exempt status with no financial penalty.

**(3) Does an exemption from participation affect my sixty-month time limit for receiving TANF or SFA benefits?**

An exemption from participation does not affect your sixty-month time limit for receiving TANF or SFA benefits (described in WAC 388-484-0005). Even if exempt from participation, ~~((you will use up one of your sixty months of))~~ each month you receive a TANF/SFA ((benefits)) grant counts toward your sixty-month limit.

**AMENDATORY SECTION** (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

**WAC 388-310-0400 WorkFirst—Entering the WorkFirst program as a mandatory participant. (1) **What happens when I enter the WorkFirst program as a mandatory participant?****

If you are a mandatory participant, WorkFirst requires you to look for a job as your first activity unless you are temporarily deferred from job search. You must follow instructions as written in your individual responsibility plan (see WAC 388-310-0500) while you are in job search.

**(2) ~~((May))~~ Are there any reasons why I might be temporarily deferred from looking for a job?**

If you are a mandatory participant, your case manager will ask ~~((you))~~ if you ~~((are exempt or))~~ have any reasons why you cannot go to job search. You may be temporarily deferred from looking for a job for any of the following reasons:

(a) You work twenty or more hours a week. "**Work**" means to engage in any legal, income generating activity which is taxable under the United States Tax Code or which would be taxable with or without a treaty between an Indian Nation and the United States; or

(b) You work sixteen or more hours a week in the federal or state work study program and you attend a Washington state community or technical college at least half-time; or

(c) You are under the age of eighteen, have not completed high school, GED or its equivalent and are in school full-time; or

(d) You are eighteen or nineteen years of age and are attending high school or an equivalent full-time; or

(e) If you are pregnant or have a child under the age of twelve months, you may participate in the pregnancy to employment pathway. This pathway provides you with services, as available within your community, to help you learn how to work while still meeting your child's needs. You may receive a variety of services, such as help finding:

(i) Parenting classes;

(ii) Safe and appropriate child care;

(iii) Good health care for yourself and your infant; and/or

(iv) Employment services; or

(f) You are fifty-five years old or older and caring for a child you are related to (and you are not the child's parent). You may go into community service (described in WAC 388-310-1400(2)(b)); or

(g) Your situation prevents you from looking for a job. (For example, you may be unable to look for a job while you have health problems, are homeless and/or dealing with family violence.)

**(3) What are my requirements if I am temporarily deferred from job search?**

PROPOSED

(a) If and when your job search is temporarily deferred, you may be required to take part in an ~~((evaluation of your))~~ employability evaluation as part of your individual responsibility plan. Your individual responsibility plan will describe what you need to do to be able to enter job search and then find a job (see WAC 388-310-0500 and 0700).

(b) If you enter the pregnancy to employment pathway (described in WAC 388-310-0400(2)(e)), you must take part in an employability evaluation and assessment. (The employability evaluation and assessment are described in WAC 388-310-0700.)

**(4) What happens if I do not follow my WorkFirst requirements?**

If you do not participate in job search, or in the activities listed in your individual responsibility plan, and you do not have a good reason, the department will impose a financial penalty (sanction, see WAC 388-310-1600).

**AMENDATORY SECTION** (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

**WAC 388-310-0700 WorkFirst—Employability evaluation. (1) Why do I receive an employability evaluation?**

You receive an employability evaluation from your case manager to determine:

- (a) Why you are unable to look for work (if you are temporarily deferred from job search) or why you have been unable to find work in your local labor market; and
- (b) Which WorkFirst activities you need to become employed in the shortest time possible.

**(2) What is the employability evaluation and when will it be used?**

(a) The employability evaluation is a series of questions and answers used to determine your ability to find and keep a job in your local labor market.

(b) You and your case manager and/or social worker ~~((will))~~ use the information from this evaluation to create or modify your individual responsibility plan, adding activities that ~~((will))~~ help you become employable.

(c) Your case manager ~~((will))~~ evaluates your ability to find employment when you are a mandatory WorkFirst participant and have:

- (i) Gone through a period of job search without finding a job;
- (ii) Been referred back early from job search; or
- (iii) Been temporarily deferred from job search.

(d) After your employability evaluation, you may receive more assessments to find out if you need additional services.

**AMENDATORY SECTION** (Amending WSR 99-10-027, filed 4/28/99, effective 5/29/99)

**WAC 388-310-1400 WorkFirst—Community service. (1) What is community service?**

Community service includes two types of activities for mandatory participants:

(a) Unpaid work (such as the work performed by volunteer workers) that you perform for a charitable nonprofit organization, federal, state, local or tribal government or district; or

(b) An activity approved by your case manager which benefits you, your family, your community or your tribe. These activities may include traditional activities that perpetuate tribal culture and customs.

**(2) What type of community services activities benefit me, my family, my community or my tribe and might be included in my individual responsibility plan?**

The following types of community service activities benefit you, your family, your community or your tribe and might be included in your individual responsibility plan:

- (a) Caring for a disabled family member;
- (b) Caring for a child, if you are ~~((over))~~ fifty-five years old or older and receiving TANF or SFA assistance for the child as a relative (instead of as the child's parent);
- (c) Providing childcare for another WorkFirst participant who is doing community service;
- (d) Actively participating in a drug or alcohol assessment or treatment program which is certified or contracted by the state under chapter 70.96A RCW; ~~((and/or))~~
- (e) Participating in family violence counseling or drug or alcohol treatment that will help you become employable or keep your job (this is called "specialized services" in state law); and/or
- (f) Participating in the pregnancy to employment pathway.

**WSR 99-18-076  
PROPOSED RULES  
SECRETARY OF STATE  
[Filed August 31, 1999, 3:02 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-10-106.

Title of Rule: Presidential primary.

Purpose: To conform to state and national political party rules and to facilitate the use of presidential primary results by political parties in their selection of delegates.

Statutory Authority for Adoption: RCW 29.19.070.

Statute Being Implemented: RCW 29.19.070.

Summary: The provision for the submission of political party declarations is made generic in nature so that it applies to future presidential primaries. The absentee ballot provision is changed to end the requirement for declaring party affiliation at the time an absentee ballot is requested. Procedures for processing absentee ballots are created to facilitate that change, along with other minor changes.

Reasons Supporting Proposal: The political party declaration submission provision applied to 1996 and needed to be updated. Dispensing with the requirement to declare party affiliation when requesting an absentee ballot allows the voter more time to determine which ballot he or she will cast.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary McIntosh, Office of the Secretary of State, (360) 902-4151.

Name of Proponent: Office of Secretary of State, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The provision for political party declarations will be generic to conform to future presidential primary elections.

The amendment to delete the requirement for declaring party affiliation when requesting an absentee ballot will allow the voter more time to determine which ballot he or she wishes to cast.

Allowing the counties to print political party and unaffiliated ballots on the same sheet will save printing costs.

Proposal Changes the Following Existing Rules: By amending the provision of political party declarations, the political parties will be given flexibility to change the oath on the ballot prior to each presidential primary.

The current rule requires absentee voters to declare party affiliation when requesting an absentee ballot. By amending this rule, the voters will be allowed more time to determine which ballot he or she wishes to receive.

The current rule requires that three separate types of absentee ballots be printed and distributed to voters according to their signed declaration. By amending this rule, the counties are allowed to print only one ballot.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. It only affects governmental agencies.

Hearing Location: Office of the Secretary of State, Legislative Building, Olympia, WA 98504, on October 12, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Diane Morgan by October 8, 1999, TDD (800) 422-8683.

Submit Written Comments to: Diane Morgan, Election Program Coordinator, Office of the Secretary of State, P.O. Box 40229, Olympia, WA 98504-0229, fax (360) 586-5629, by October 8, 1999.

Date of Intended Adoption: October 18, 1999.

August 31, 1999

Donald F. Whiting

Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-020 Definitions.** As used in this chapter:

(1) "County auditor" means the county auditor in a non-charter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and conduct state and local elections in a charter county, and his or her deputies or staff where the context indicates;

(2) "Major political party" means a political party of which at least one nominee for president, vice-president, United States senator, or state-wide office received at least

five percent of the total vote cast at the last preceding state general election for that office in an even-numbered year;

(3) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a presidential primary;

(b) A facsimile of the contents of a particular ballot, whether printed on a paper ballot or ballot card or as part of a voting device;

(c) A physical or electronic record of the choices of an individual voter at a presidential primary;

(d) A physical document on which the voter's choices are to be recorded;

(4) "Political party ballot" means a ballot composed of a list of names of candidates belonging to the same major political party and who have been certified by the secretary of state as provided in RCW 29.19.030.

(5) "Unaffiliated ballot" means a ballot composed of a list of all the candidates certified by the secretary of state as provided in RCW 29.19.030.

(6) "Paper ballot" means a ~~((piece of))~~ ballot printed on paper on which the ballot for a presidential primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

~~((5))~~ (7) "Mark-sense paper" means one or more ballots printed on paper upon which a voter may record, by any means other than perforation, his or her choices for any candidate or for or against any measure, and that is to be tabulated on a vote tallying system;

(8) "Ballot card" means any type of card ~~((or piece of paper of any size))~~ on which a voter may record his or her choices for any candidate and for or against any measure by perforating the card, and that is to be tabulated on a vote tallying system;

~~((6))~~ (9) "Printed ballot card" means a ballot card upon which the names of the candidates and issues are printed on the same card on which the perforations indicating the voters' choices are made.

(10) "Voting system" means a voting device, vote tallying system, or combination of these together with ballots and other supplies or equipment used to conduct a presidential primary or to canvass votes cast in a presidential primary;

~~((7))~~ (11) "Voting device" means a piece of equipment used for the purpose of marking, or to facilitate the marking, of a ballot to be tabulated by a vote tallying system, or a piece of mechanical or electronic equipment used to directly record votes and to accumulate results for a number of issues or offices from a series of voters; ~~(and~~

~~((8))~~ (12) "Vote tallying system" means a piece of mechanical or electronic equipment and associated data processing software used to tabulate votes cast on ballot cards or otherwise recorded on a voting device or to prepare that system to tabulate ballot cards or count votes;

~~((9))~~ (13) "Ad-hoc committee" means the committee created under RCW 29.19.020 that has the authority to change the date of the presidential primary.

PROPOSED

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-120 Certification of candidates.** In the event the secretary determines a petition bears sufficient signatures he or she shall include the name of that candidate in the official certification of candidates to the county auditors. This certification shall be completed and transmitted to the county auditors not later than the thirty-fourth ~~((day))~~ day prior to the primary.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-140 ~~((Party))~~ Declaration by voter.** (1) Each registered voter desiring to participate in the presidential primary shall ~~((prior to being issued either an absentee or a regular ballot,))~~ be given the opportunity to subscribe to any declaration provided under the national or state political party rules of a major political party for participation in the presidential nominating process of that party.

(2) ~~((For the 1996 presidential nominating process, the state democratic party has adopted the following declaration:~~

~~"I declare that I consider myself to be a Democrat and I have not participated in the nominating process of any other political party for the 1996 presidential election."~~

(3) ~~For the 1996 presidential nominating process, the republican state party has adopted the following declaration:~~

~~"I declare that I consider myself a Republican and I have not participated in the 1996 precinct caucus system of any other party."~~) No later than August 15 in the calendar year preceding the year in which the presidential preference primary is to be held, each major party shall submit in writing to the secretary of state the exact wording of the party declaration.

(3) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30 in the calendar year preceding the year in which the presidential preference primary is to be held.

(4) A voter may subscribe to a declaration stating that he or she wants his or her vote to be counted in the unaffiliated results, provided that failure to subscribe to this declaration does not prevent any person's vote from being counted in the unaffiliated results. The unaffiliated declaration shall be printed in substantially the following form: "I do not want to sign a party declaration. I understand that party rules may not allow my vote to be used to select delegates to the nominating conventions."

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-160 Political party and unaffiliated ballots—Separation ~~((of political parties))~~.** Separate ballots for each major political party shall be provided as follows:

(1) Where a paper ballot ~~((is used, a separate ballot shall be prepared for each major political party containing the names of the candidates of that party certified by the secretary of state under WAC 434-75-120;~~

~~((2))), printed ballot card, or mark-sense paper is used, for poll site balloting, each major political party and unaffiliated ballot shall be printed on separate sheets of paper. Mark-sense paper must contain a machine readable ballot code to distinguish, within each precinct, each ballot type used.~~

~~(2) Where a paper ballot, printed ballot card, or mark-sense paper is used for absentee balloting, the political party ballots shall be printed in one column, if feasible, preceding any other issues being submitted to the voters at special elections held in conjunction with the presidential primary. The name of each major political party shall be printed above the lists of candidates for that party. The unaffiliated ballot shall not be printed as a separate list. It shall consist of a combination of all of the political party ballots.~~

~~(3) The county auditor may, at his or her discretion, choose to employ the same printed ballot card, mark-sense paper, or paper ballot format used at the polling places for absentee ballots, provided that all major party and unaffiliated ballots are issued to each absentee voter.~~

(4) Where a ballot card is used, separate ballot cards shall be provided for each major political party and unaffiliated ballot. Counties shall employ separate voting devices within each polling place for each major political party and unaffiliated ballot. Ballot cards must contain a machine readable pre-punch ~~((or a machine readable ballot code))~~ to distinguish, within each precinct, each ballot type used.

#### NEW SECTION

**WAC 434-219-165 Ballot codes.** (1) Except as provided in subsection (2) of this section, all ballot cards, printed ballot cards, and mark-sense paper shall contain a machine readable ballot code to distinguish each ballot type used.

(2) Where all political party and ballot types are printed on the same mark-sense paper or printed ballot card, a machine readable ballot code distinguishing ballot type is not required.

#### NEW SECTION

**WAC 434-219-170 Order of political parties.** Whenever political party declarations or ballots are printed on the same envelope, card, or sheet of paper, the party which polled the highest number of votes in the state for its candidate for president at the last preceding presidential election shall be listed first. Unaffiliated declarations shall be printed below political party declarations.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-180 Ballots—Arrangement of names—Instructions.** (1) ~~((Voters who do not make a political party declaration under WAC 434-75-140 shall be issued a))~~ The unaffiliated ballot ~~((containing))~~ shall contain the names of all of the candidates certified by the secretary of state under WAC ~~((434-75-120))~~ 434-219-120 listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted



to the voters at special elections held in conjunction with the presidential primary.

(2) ~~((Voters who make a political party declaration under WAC 434-75-140 shall be issued a))~~ The political party ballots ((containing)) shall contain the names of all of the candidates certified by the secretary of state under WAC ((434-75-120)) 434-219-120 for that party's nomination listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted to the voters at special elections held in conjunction with the presidential primary. Provided that the designation (president of the United States) shall be printed only once above all of the ballots printed on mark-sense paper or printed ballot cards.

(3) ~~((On paper ballots, a printed box shall be placed adjacent to each candidate's name:))~~ Provision for the voter to write-in the name of another candidate shall be provided on each ballot. The names of candidates on the presidential primary ballot shall not be rotated.

(4) The ballot shall contain instructions to the voters in substantially the following form:

"VOTE FOR ONE. If you vote for more than one candidate for this office, your vote in the presidential primary will not be counted."

The instructions shall be printed large enough to be easily read by the voter. Provided that these instructions shall be printed only once above all of the ballots printed on mark-sense paper or printed ballot cards.

(5) The following instructions shall be printed in substantially the following form above all absentee ballots printed on mark-sense paper and printed ballot cards when a political party and unaffiliated ballots are printed on the same paper or card: "If you signed a political party declaration printed on the return envelope, vote for only one of the candidates listed under that party's name." These instructions shall be printed for each major political party that requests a separate ballot. Instructions for unaffiliated voters shall be printed below the political party instructions in substantially the following form: "If you signed a statement on the return envelope declaring that you do not wish to subscribe to a party declaration, vote for one of the candidates listed under any of the party designations. If you cast a write-in vote, print the candidate's name in the proper space for the party for which you want the candidate to be nominated."

(6) Ballots for each political party and unaffiliated ballots shall be differentiated by color except when all of the ballots are printed on the same mark-sense paper or printed ballot card.

#### NEW SECTION

**WAC 434-219-185 Logic and accuracy test decks.** No later than fifteen days before the date of the presidential primary, the county auditor shall prepare a test deck for logic and accuracy testing.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-210** ~~((Provisions regarding ballots applicable to absentees:))~~ Issuing absentee and polling place ballots. ~~((Wherever applicable, the provisions regarding the arrangement and form of the presidential primary ballot shall apply to both absentee ballots and to those ballots used at the polling place:))~~ (1) Polling place voters who do not make a political party declaration under WAC 434-219-140 shall be issued an unaffiliated ballot only. Polling place voters who make a political party declaration under WAC 434-219-140 shall be issued only that party's ballot.

(2) Absentee ballot voters, except as provided in subsection (3) of this section if applicable, shall be issued all unaffiliated and political party ballots.

(3) At the discretion of the county auditor, absentee ballots issued directly to the voter at the auditor's office may be issued in the same manner as polling place ballots provided that the voter marks, or verbally refuses to mark, the appropriate declaration on the return envelope prior to receiving the ballot.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-220 Absentee ballots** ~~((request form))~~ Declarations—Instructions. ~~((Any absentee ballot request form produced for use in the presidential primary must include an option for the voter to subscribe to the declaration of a major political party under WAC 434-219-140 and participate only in the presidential primary of that party. The absentee request shall also contain a statement in substantially the following form:~~

~~"Under Washington's presidential primary law, you may subscribe to a declaration required by the rules of a major political party and receive a ballot containing only the candidates of that political party. The rules of that major political party may provide that votes cast by persons subscribing to this declaration at the presidential primary be used to determine the allocation of delegates and alternates from this state to the national nominating convention of that party. If you wish to receive a ballot containing only the names of presidential candidates for one political party, be sure to sign the declaration for that party."~~

~~Absentee ballot requests for the presidential primary shall in all other respects contain the information required, and be in the form specified, by chapter 29.36 RCW and chapter 434-40 WAC. The secretary of state shall design an absentee ballot application form for the presidential primary and shall provide this form to each county auditor, and to any other person or organization, upon request:))~~ (1) The political party declaration and unaffiliated declaration provided under WAC 434-219-140 shall be printed on the return envelope below the absentee ballot oath provided under WAC 434-240-190. Each declaration shall be printed next to a box in which the voter may make a mark to indicate to which declaration he or she subscribes. The date and signature lines in the absentee ballot oath shall also serve as the date and signa-

PROPOSED

ture lines for the political party and unaffiliated declarations. The following statement in substantially the same form shall also be printed on the return envelope or enclosed with the absentee ballot materials. "Under current political party rules, votes cast by voters who do not sign a democrat or republican declaration will not be used to allocate delegates to the nominating conventions."

(2) When ballot cards are used, a statement in substantially the following form shall be issued to every voter who receives an absentee ballot: "If you signed the unaffiliated declaration please cast your vote on the (color) ballot. If you signed the party declaration printed on the return envelope for the (party name) please cast your vote on the (color) ballot." These instructions shall be printed for each political party ballot.

(3) When absentee political party and unaffiliated ballots are printed on separate printed ballot cards, a statement in substantially the following form shall be issued to every voter who receives an absentee ballot: "If you signed the unaffiliated declaration printed on the return envelope, please cast your vote on the (color) ballot. If you signed the party declaration printed on the return envelope for the (party name), please cast your vote on the (color) ballot." These instructions shall be printed for each political party ballot.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-230 ((~~Incomplete absentee ballot requests.~~) Segregation of ballots. ((Incomplete absentee ballot applications for the presidential primary shall be handled in the manner provided by WAC 434-40-130 through 434-40-160.)) Absentee ballots must be segregated according to major party declaration choice before they are removed from the return envelopes. The number of ballots in each segregated group shall be recorded on a ballot accountability form at each step of the absentee ballot canvassing process.

The ballots shall remain segregated until the end of the legal retention period as provided under WAC 434-219-330.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-240 ((~~Processing~~) Inspection of absentee ballots ((~~requests~~)). ((1) In the event the auditor receives a written request for an absentee ballot that does not include any signed political party declaration or receives a phone request for an unaffiliated absentee ballot, he or she shall send that voter a ballot containing the names of all of the candidates certified by the secretary of state under WAC 434-75-120.

(2) In the event the auditor receives a phone request for an absentee ballot of a major political party, he or she shall send the voter a ballot containing the names of all of the candidates of that party certified by the secretary of state under WAC 434-75-120. The auditor shall include with the ballot and return envelopes the appropriate political party oath together with instructions for executing and returning the signed oath. The political party oath may be affixed to the return envelope or may be on a separate piece of paper to be

returned separately from the security envelope.)) Each absentee ballot cast by voters who signed a party declaration shall be inspected.

If a voter signs a party oath and votes for a candidate certified by the secretary of state for that party, that voter's ballot shall be grouped and tabulated with the ballots of that party. The number of ballots so voted shall be recorded on the ballot accountability form.

If a voter signs an unaffiliated oath, or does not sign an oath at all, that voter's ballot shall be grouped and tabulated with the unaffiliated ballots. The number of ballots so voted shall be recorded on the ballot accountability form.

If a voter signs a party oath and then votes for a candidate certified by the secretary of state for a different party, that voter's ballot shall not be tabulated. The number of ballots so voted shall be recorded on the ballot accountability form.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-250 ((~~Ongoing absentee voters.~~) Tabulation of ballots. ((1) Each county auditor shall, prior to the presidential primary, send a ballot request form similar to the one provided under WAC 434-75-220 to each ongoing absentee voter and to all voters in vote-by-mail precincts in advance of the presidential primary, giving those voters the opportunity to request a ballot containing only the presidential candidates of one major political party. In the event an ongoing absentee voter does not return a ballot request form at least twenty-five days before the date of the primary, that voter shall be sent a ballot containing all of the candidates certified by the secretary of state under WAC 434-75-120.

(2) If the auditor receives a written or phone request for the ballot of a major political party from any ongoing absentee voter or voter in a vote-by-mail precinct to whom an unaffiliated ballot has already been sent, that request shall be processed as provided under WAC 434-75-240(2).)) (1) Any voter who signs a party oath and votes for a candidate certified by the secretary of state for that party shall have that vote tabulated as a political party vote, regardless upon which ballot that vote is cast.

(2) Any voter who signs the unaffiliated oath, or who does not sign an oath at all, shall have that vote tabulated as an unaffiliated vote, regardless upon which ballot that vote is cast.

(3) Any voter who signs a party oath and then votes for a candidate certified by the secretary of state for a different party shall not have that vote tabulated.

NEW SECTION

WAC 434-219-255 Tabulating, reporting, and canvassing write-in votes. (1) Only write-in votes cast by voters who have subscribed to a party declaration shall be tabulated. Write-in votes cast by unaffiliated voters shall not be tabulated.

(2) Write-in votes cast for a candidate who has been certified by the secretary of state for the same political party as that to which the voter has subscribed, shall not be tabulated.

(3) Write-in votes cast by a voter who has subscribed to a political party declaration and voted for a candidate of that party on another political party's ballot, or an unaffiliated ballot, shall not be tabulated unless the voter has written the proper political party designation next to the candidate's name.

(4) Except as provided in subsections (1) through (3) of this section, all write-in votes shall be tabulated and reported as part of the canvass of votes. The total number of write-in votes not tabulated shall be recorded on a ballot accountability form.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-260 Canvassing and tabulation of presidential primary absentee ballots.** Unless otherwise provided by law, ~~((by the rules of the national or state party of a major political party;))~~ or by these rules, absentee ballots for the presidential primary shall be processed, canvassed, and tabulated, by legislative and congressional district, in the same manner as absentee ballots for other elections.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-270 Vote-by-mail precincts.** Wherever applicable, presidential primary ballots for voters in vote-by-mail precincts shall be issued and processed in the same manner as ballots issued to ongoing absentee voters, as provided by statute ~~((, by the rules of the national or state committee of a major political party;))~~ and by these rules.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-280 Ballots not tabulated.** The county auditor shall not ~~((count))~~ tabulate votes ~~((cast for the office of president of the United States))~~ in the presidential primary in the following cases:

- (1) Where the voter has attempted to vote more than once for that office;
- (2) Where the voter has voted for candidates of more than one political party, in which case all such votes shall be rejected;
- (3) Where a write-in vote is made for a person who has declined the nomination as provided by WAC 434-75-070;
- (4) Where the person issued a special or challenged ballot does not otherwise satisfy the constitutional or statutory requirements for voting;
- (5) Where the voter has signed a political party oath and then cast a vote other than a write-in vote for a candidate whose name appears on a different party's ballot;
- (6) Where the voter has signed a political party's oath and then cast a write-in vote for a candidate whose name is listed on the same political party's ballot;
- (7) Where the voter has subscribed to a political party declaration and cast a write-in vote for a candidate of that party on another political party's ballot or on an unaffiliated ballot.

In those instances where the auditor is not sure whether a ballot or part of a ballot should be counted, he or she shall refer that ballot to the county canvassing board for their determination. ~~((The auditor shall maintain a record of those ballots not counted and the reason why they were not part of the official canvass of the primary.))~~

#### NEW SECTION

**WAC 434-219-285 Record of ballots not tabulated.** The auditor shall maintain a record of all ballots not counted and the reason why they were not part of the official canvass of the primary.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-290 Canvassing and certification of presidential primary.** County canvassing boards shall certify the results of the presidential primary including totals for all valid write-in votes cast for each candidate and the total of all write-in votes not tabulated, by congressional district, not later than the tenth day following the primary. The county auditor shall send one original copy of the returns by mail to the secretary of state on the same day the returns are certified. Wherever applicable, the other procedures established by chapter 29.62 RCW for the canvassing of state primaries shall apply to the canvassing of a presidential primary. Not later than the twentieth day following the presidential primary, the secretary of state shall notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for each candidate listed on the ballot and of the write-in votes cast for any qualified write-in candidates.

#### NEW SECTION

**WAC 434-219-300 Sealing of voting devices.** The registering mechanism of each mechanical device used in a primary election shall be sealed by the precinct election officers after the polls have closed and remain sealed until ten days after the completion of the canvass of that presidential primary except when:

- (1) A recanvass is required; or
- (2) A succeeding election occurs within twenty days of the presidential primary.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-310 ~~((Mandatory))~~ Statutory recount provisions do not apply.** The provisions of chapter 29.64 RCW ~~((29.64.015))~~ regarding ~~((mandatory))~~ statutory recounts do not apply to a presidential primary. ~~((However, recounts may be requested under the other provisions of that chapter.))~~

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

**WAC 434-219-320 Political party preference data and results—Transmittal to the major political parties.** No later than thirty days following the certification of the returns of the presidential primary by the secretary of state, the county auditor shall provide to the county and state committee of each major political party, at actual reproduction cost((;)):

(1) The results of the presidential primary by precinct; and

(2) The names and addresses of those voters participating in the presidential primary of that major political party. This may be accomplished by either:

((+)) (a) Integrating the ballot request and party preference data with the county voter registration file and producing a registered voter report containing the consolidated data in either machine-readable or printed format, which is provided to each major political party; or

((2)) (b) Providing to each major political party copies of the political party declarations that indicate the primary in which the voter participated; or

((3)) (c) Providing each major political party with a copy of the poll book pages upon which the voter has indicated the political party primary in which he or she participated and a separate report covering the declarations of absentee voters.

### WSR 99-18-077

#### PROPOSED RULES

#### GAMBLING COMMISSION

[Filed August 31, 1999, 4:01 p.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 99-09-011 with a published date of May 3, 1999.

Title of Rule: Promotional contests of chance.

Purpose: To clarify that the specific business, product or service a promotional contest of chance is designed to promote cannot be a gambling activity (such as pull-tabs). New rules clarify what a person may be required to do to enter a promotional contest of chance and to set forth the requirements for a business to offer "no fee bingo" as a promotional contest of chance. An amendment was made to allow licensed distributors to sell disposable bingo cards to commercial businesses for promotional contests of chance.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 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 above.

Proposal Changes the Following Existing Rules: See Purpose above.

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

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: Shilo Inn, 707 Ocean Shores Boulevard, Ocean Shores, WA 98569, (360) 489-4600, on October 15, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by October 1, 1999, 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 1, 1999.

Date of Intended Adoption: October 15, 1999.

August 30, 1999

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 182, filed 8/16/88)

**WAC 230-46-020 Definitions.** (1) (~~"Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.~~

(2)) "Promotional contest of chance" means a scheme designed to promote a specific business, product((+)) or service, other than gambling activities, and not the scheme itself, in which a person, association, or an organization may distribute money or property among individuals who have agreed to participate in a contest of chance equally with other participants(~~;- providing no participant is required to do more than the allowable methods of entry authorized under the provisions of RCW 9.46.0355~~)).

((3)) (2) "Promotional material" means all material which defines the rules of a particular promotional contest of chance, which may extend to a description or an explanation of a product((+)), service((+)), or combination((+)) thereof being promoted.

((4)) (3) "Perusing promotional material" means to read or examine contest rules and/or the specific product((+)), service((+)), or combination((+)) thereof being promoted(~~;- Provided, That the contest rules or its promotional material shall disclose any additional requirement(s) to attend a demonstration, tour a facility or specific areas, visit a specified location or similar activity, to include the approximate length of time in connection with a promotional scheme. Provided further, That any tour, demonstration, visit, or combination of requirement(s) will not extend beyond a total of two consecutive hours in duration~~)).

(4) For purposes of conducting a promotional contest of chance, as authorized by RCW 9.46.0355, a "coupon" or "entry blank" is defined to include "promotional game cards" as set forth in WAC 230-46-070 and disposable bingo cards sold under WAC 230-20-192 (6)(a)(iii).

#### NEW SECTION

**WAC 230-46-035 Promotional contests of chance—Interpretations—Requirements for participation—Restrictions.** For purposes of conducting promotional contests of chance under the provisions of RCW 9.46.0355, the following interpretations, requirements, and restrictions apply:

(1) No person shall be required to do more than the allowable methods of entry set forth in RCW 9.46.0355 in order to participate in a promotional contest of chance.

(2) All participants shall be afforded an opportunity to compete equally in such contests of chance and game rules governing such contests shall not afford any participant an advantage over any other participant, except the promoter may set requirements regarding age and/or income.

(3) For purposes of interpreting RCW 9.46.0355 (1)(c), to "visit a business establishment to obtain or deposit a coupon or entry blank," may include requiring the participant to actively participate in the conduct of the game or contest of chance, such as selecting an item from among a group of randomly placed items, spinning a wheel with multiple stops of different values, marking or comparing characters or symbols on a game card to characters or symbols drawn at random at the premises: Provided, That in order to participate, the player shall not be required to:

(a) Make a purchase of any kind; or

(b) Be present at the location of the contest more than fifteen minutes in advance of the contest: Provided further, That if there is any waiting period prior to a contest, all of the waiting period time shall be included as a part of the thirty-minute contest time period.

(4) For purposes of interpreting RCW 9.46.0355 (1)(e), persons that are automatically entered into a contest of chance when they purchase goods or services shall not be deemed to have been required to make a purchase of goods and services and are considered as merely registering "without the purchase of goods or services" if the contest rules allow all other persons wishing to enter such contests to merely register without the purchase of goods or services or any other restrictions.

(5) Sponsors of promotional contests of chance may require a participant to "expend time, thought, attention, and energy in perusing promotional material" in order to participate in the contest (RCW 9.46.0355 (1)(f)). Such participation may require attendance at a demonstration, a visit or tour of a facility or specific location or similar activity if such is fully disclosed in the contest rules and the total time required to be expended does not exceed thirty minutes.

(6) Except as authorized in this chapter, gambling devices or supplies controlled by this Title shall not be used to conduct promotional contests of chance. The following devices or controlled supplies are authorized for use:

(a) "Promotional game cards" as set forth in WAC 230-46-070;

(b) Disposable bingo cards sold under WAC 230-20-192 (6)(a)(iii);

(c) Mechanical random number generators that are not professionally manufactured, such as spinning wheels and similar devices.

#### NEW SECTION

**WAC 230-46-045 Promotional contests of chance similar to bingo—"No fee bingo."** Promotional contests of chance, which are similar to bingo and are commonly referred to as "no fee bingo," may be conducted in limited circumstances if all of the following conditions are met:

(1) Participants may not be charged a direct or indirect fee to participate in the game. Indirect fees include, but are not limited to, cover charges and other similar fees;

(2) Prizes may only involve merchandise items such as food, nonalcoholic beverages, hats, shirts, or other promotional items valued at less than twenty-five dollars each. No cash prizes may be substituted for merchandise prizes;

(3) Bingo cards used must be of the type set aside for recreational or noncommercial uses as described in WAC 230-20-192 (5)(a)(iii); and

(4) The contest may not be conducted for more than a total of thirty minutes each business day. Participants cannot be required to be present at the location of the contest more than fifteen minutes in advance of the contest: Provided, That if there is any waiting period prior to a contest, all of the waiting period time shall be included as a part of the thirty-minute contest time period.

AMENDATORY SECTION (Amending WSR 97-19-079, filed 9/16/97, effective 1/1/98)

**WAC 230-20-192 Standards for disposable bingo cards—Definitions.** Disposable bingo cards sold for use in the state of Washington shall be manufactured and controlled using processes and procedures that ensure integrity of the activity and facilitates regulation by the commission. Manufacturers of disposable bingo cards shall comply with the following requirements:

(1) Manufacturers shall establish quality control procedures necessary to ensure manufacturing processes, including collating of cards into packs or packets, meet the requirements of this section. Quality control procedures shall be documented and provided to commission staff upon request;

(2) For purposes of this title, the following definitions apply:

(a) "Card" or "face" means a unique group and configuration of numbers or symbols imprinted on paper, cardboard, or other materials, and designed to be used to conduct bingo games;

(b) "Card number" means the number assigned by the manufacturer to identify a single card or face. A "card number" may also be referred to as a "face" or "perm" number;

(c) "Collate" means the process of cutting and/or assembling master sheets or precut sheets of cards from one or more sets of cards into packets or books for marketing pur-

PROPOSED

poses. "Collate" may also be referred to as "finish" or "finishing";

(d) "Collation" means a group of packets or books of cards assembled from more than one set of cards;

(e) "Consecutively numbered" means a numbering system normally beginning with the number one, increased by one for each individual unit added to the group, and ending with a number identical to the total number of units assigned to that group;

(f) "Cut" means the layout or orientation of cards or sheets of cards subdivided from a master sheet of cards or faces. A "cut" will be either square, horizontal, or vertical;

(g) "Disposable bingo card" means a nonreusable paper bingo card manufactured by a licensed manufacturer;

(h) "Duplicate cards" means two or more cards that are imprinted with the same numbers or symbols, regardless of the configuration or location of such numbers or symbols on the card;

(i) "On" means the number of cards or faces imprinted on a sheet or "cut." The term is normally preceded by the number of cards;

(j) "Pack" or "packet" means a group of cards or sheets of cards collated into a book when each page or sheet in the book is intended for use to play a separate bingo game, including "on-the-way" games, within a session;

(k) "Product line" means a specific type of card, identifiable by features or characteristics that are unique when compared to other types of cards marketed by the manufacturer. A "product line" includes all series and all cards within each series as identified by the manufacturer;

(l) "Serial number" means a number assigned to a set of cards by a manufacturer for identification and tracking purposes when the same number is not used to identify another set of cards from the same product line, color, border pattern, and series in less than 999,999 occurrences or twelve months, whichever occurs first: Provided, That if the product line is used as a determining factor for assignment of a serial number, the difference between various product lines must be readily identifiable by observation;

(m) "Series" of cards means a specific group of cards or faces that have been assigned consecutive card or face numbers by a manufacturer. Series are typically identified by the first and last card number in the group of cards, such as "1 to 9000 series";

(n) "Set" of cards means a specific group of cards from the same product line, which are the same color, border pattern, and imprinted with the same serial number. A "set" of cards may include more than one series of cards or faces;

(o) "Sheet number" means the number assigned by the manufacturer to identify an arrangement of more than one card that results from dividing master sheets of cards to facilitate marketing;

(p) "Skip" means the standard spread or difference between card or sheet numbers at different page levels in packs or packets;

(q) "Subset" means a portion of a set of cards or collation of packets that has been divided by a licensed distributor to facilitate marketing; and

(r) "Up" means the number of pages or sheets collated into each packet or book of cards. The term is normally preceded by the number of pages or sheets.

(3) Each card or face in a particular type or product line must be imprinted with a unique set of numbers or symbols and configuration of numbers or symbols. Duplicate cards within a specific product line are prohibited. Manufacturers of disposable bingo cards are responsible for ensuring that there are no duplicate cards in a set or collation of cards sold to distributors or operators: Provided, That duplicate cards can be collated into packets if they are located at different page levels in the packets and intended only for use during separate games, including "on-the-way" games, within a session. If a manufacturer discovers a duplicate card error or is notified of such by the commission staff or a licensee, it shall immediately comply with the following steps:

(a) Stop marketing the product line containing duplicate cards in Washington;

(b) Recall all sets of cards and/or collations of packets or books containing duplicate cards at the same page level;

(c) Take steps to correct manufacturing or collating processes necessary to ensure duplicate cards are not sold to operators, and inform the commission in writing regarding steps taken;

(d) Reimburse all operators who submit a claim for prizes paid as a result of selling sets or collations containing duplicate cards when such claim has been validated by commission staff; and

(e) Reimburse the commission for all cost incurred investigating duplicate card complaints that result in findings that the error was caused by manufacturers.

(4) Packets of cards must be collated so that each page of the packet:

(a) Is from a different set of cards;

(b) Has skips that are consistent throughout the entire collation and contains cards that are different when compared to other cards or faces in the pack or packet; and

(c) Has a different color or border pattern.

(5) Each set must include an audit system that allows identification of that specific set and each specific card within that set, allows tracking of the transfer of cards from the point of manufacture to operators, and facilitates sale by the operator to the player: Provided, That audit systems that accomplish regulatory requirements using alternative controls may be approved by the commission staff. The audit system shall meet the following requirements:

(a) Each set of cards manufactured as a specific product line, using the same color and border pattern, will be assigned a unique serial number by the manufacturer. The serial number must be imprinted on each card or face;

(b) Each card or face must be identified by a card number imprinted on the face of the card: Provided, That cards used in "player selection" games, authorized by WAC 230-20-241 and "keno bingo" games, authorized by WAC 230-20-247, are exempted from this requirement; and

(c) Each sheet of cards within a set must be consecutively numbered: Provided, That sheets of cards do not have to be numbered if alternative audit controls are available and disclosed to the operator.

(6) Each set of cards or collation of packets of cards shall be sold intact as a single unit: Provided, That for ease of marketing to Class E and below operators and to operators of authorized unlicensed activities, distributors may divide sets or collations as authorized below:

(a) Cartons or packages assembled by manufacturers can not be opened prior to sale to an operator, except that distributors may open cartons or packages as authorized below:

(i) At an operator's request to change the "on," "up," and "cut." When such modification is made, the distributor shall be responsible for resealing the carton and noting all changes on the packing label;

(ii) To provide cards to Class A or B bingo games and for unlicensed activities authorized by RCW 9.46.0321 or 9.46.0355; ~~(and)~~

(iii) To provide cards to individuals for ~~((noncommercial))~~ recreational activities; and

(iv) To provide cards to businesses for use in promotional contests of chance as authorized by RCW 9.46.0355.

(b) Subsets must contain at least one carton or package: Provided, That cartons or packages may be broken and cards sold in smaller quantities under conditions described in subsection (6)(a)(i) and (ii) of this section; and

(c) Subsets of cards used for "hidden face" bingo games must contain at least one thousand cards or sheets of cards.

(7) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in the operation of "hidden face" bingo games, authorized by WAC 230-20-243, must meet the following requirements:

(a) Each card or sheet of cards must be printed, folded, and sealed in a manner that prohibits determination of numbers or symbols, configurations of such on the card, or the card number prior to opening by the player;

(b) Each card or sheet of cards must have a separate numbering system that is randomly distributed when compared to the card number imprinted in the "free" space. Manufacturers must utilize procedures that mix cards or sheets of cards in a manner that ensures no consistent relationship exists between the "card numbers" and separate numbering system within a set or subset and that there are no patterns or consistent relationships of the location of a specific card number between subsets from different sets;

(c) The serial number and the additional card or sheet number, required by (b) of this subsection, must be imprinted on the outside of the cards or sheets of cards and visible for recording without opening the card or sheet of cards; and

(d) Each set of cards must contain at least six thousand unique faces or patterns of numbers or symbols.

(8) In addition to the requirements of subsections (1) through (6) of this section, cards sold to operators for use in "player selection" bingo games, authorized by WAC 230-20-241, must be printed on two-part, self-duplicating paper that provides an original and duplicate copy;

(9) A packing record must be completed for each set of cards or collation of packets and either enclosed inside or in an envelope attached to the carton or package. If the marketing unit contains more than one carton or package, the packing record must be located on carton or package number one. The packing record must include at least the following:

(a) Name of manufacturer;

(b) Description of product, including the "series," "on," "cut," and "up";

(c) Records entry labels that match the identification and inspection services stamp attached to the packing label on the outside of the carton or package;

(d) Serial number or, if packets, serial number of the top page;

(e) Color and border pattern or, if packets, colors and border patterns of all sets and the sequence they are collated in the packet; and

(f) A record of any missing cards, sheets of cards, or packets.

(10) Each separate packing or marketing unit containing a set of cards or collation of packets of cards must be identified in a manner that allows determination of the contents without opening the package. If the marketing unit contains more than one case or carton, each unit shall be labeled and numbered. Minimum information to be disclosed on each carton or package:

(a) The identification and inspection services stamp number;

(b) Serial number or, if packets, serial number of the top page;

(c) Color and border pattern or, if packets, color and border pattern of the top page; and

(d) Number of the carton and the total number of cartons included in the marketing unit.

(11) Sets of cards, collations of packets, or any other marketing units established by a manufacturer shall be complete and contain the correct number of cards or packets and the specific cards or packets noted on the packing slip: Provided, That up to one percent of the cards in the set may be missing if all missing cards, sheets, or packets are documented on the packing record enclosed in carton or package number one of the marketing unit; and

(12) To provide the commission and operators the ability to verify the authenticity of winning cards, each manufacturer shall prepare and make available a master verification system for each type or product line of cards it manufactures. This master verification system shall provide a facsimile of each card within a set of cards by the card number. The master verification system shall display the exact numbers or symbols and the location or configuration of numbers or symbols on the card.

## WSR 99-18-082

### PROPOSED RULES

#### DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed August 31, 1999, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-09-115.

Title of Rule: Amend WAC 246-840-730 Mandatory reporting defined.

PROPOSED

**Purpose:** This rule requires persons, facilities and agencies to report findings, convictions and determinations to the Nursing Commission.

**Statutory Authority for Adoption:** RCW 18.79.110.

**Statute Being Implemented:** RCW 18.79.110.

**Summary:** The entire rule is proposed for amendment to make it more clear to the public, nurses and facilities as to when a conviction, determination or finding is to be reported to the Nursing Commission and how to report to the Nursing Commission.

**Reasons Supporting Proposal:** During a public rules review process it was identified that this rule is not as clear as it could be. These proposed changes should make the rule more understandable to the public and to nurses. The wording of this rule is consistent with the existing requirements under the Uniform Disciplinary Act and are currently in law.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Jeanne Giese, P.O. Box 47864, Olympia, WA 98504, (360) 236-4728.

**Name of Proponent:** Nursing Care Quality Assurance Commission, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** These amendments will enhance the language of the current rule.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The purpose of this rule is to require that persons, facilities and agencies report findings, convictions and determinations against nurses to the Nursing Care Quality Assurance Commission. This will benefit the public by having the Nursing Commission take appropriate action if necessary, against a nurse to ensure they are providing adequate and safe care to the public. This rule outlines what kinds of activities should be reported to the Nursing Commission and how to report to the Nursing Commission.

This rule already exists and reflects much of the requirements under the Uniform Disciplinary Act. These amendments should make the rule more clear and easier to understand and follow.

**Proposal Changes the Following Existing Rules:** The amendments will replace all of the current text with new text that is clearer and easier to understand. The new text is in a question and answer format and is easier to understand.

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

Small Business Economic Impact Statement  
and  
Economic Impact Analysis

**Background:** This rule was identified during a mandatory rules review process as needing amendments to make it clearer and easier to understand. This rule requires nurses, agencies and facilities to report convictions, determinations and findings of unprofessional conduct to the Nursing Care Quality Assurance Commission.

**Necessity of Amendments to Nursing Rules:** The current rule is written in a style that has proven to be less than

user friendly. The staff receive telephone calls requesting interpretation of this rule. Callers frequently ask for directions on which kinds of activities they are supposed to report, when are they supposed to report and how to report. During investigations facilities often report that they were unaware that the rule also applied to them, in addition to individual nurses.

The proposed amendments rewrite the entire text into a question and answer style. All of the kinds of activities the Nursing Commission wants reported are listed in an easy to find manner. The section on how to report is rewritten and is much clearer.

**Costs to a Business:** There are no new additional costs to a business to comply with the proposed amendments to this existing rule. This rule already currently requires reporting to the Nursing Commission. The amendments will simply clarify the requirements and reporting procedures. There are no new expenses to individuals or businesses.

**DOH Costs to Administer the Regulation:** There are no new additional costs to the Department of Health to regulate these amendments. This rule requires that individuals, facilities and agencies report unprofessional conduct to the Nursing Commission. No additional review time and no additional analyses are required as a result of these amendments.

**Magnitude of Amendments to Rule:** The proposed amendments would not require any additional requirements, would not require additional documentation and would not require any additional course work. The requirement to report unprofessional conduct to the Nursing Commission is currently existing and these amendments will not change that requirement in any way.

**Small Business Economic Impact Statement:** In preparing this small business economic impact statement (SBEIS), the department used SIC code 809 Miscellaneous Health and Allied Services, Not Elsewhere Classified which has a minor impact threshold of \$53.00. The estimated cost to health care practitioners for amending these rules is zero.

Therefore, there is no disproportionate cost for small businesses.

A copy of the statement may be obtained by writing to Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504, phone (360) 236-4712, fax (360) 236-4738.

RCW 34.05.328 does not apply to this rule adoption.

**Hearing Location:** Pacific Lutheran University, School of Nursing, Tacoma, Washington on November 19, 1999, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Terry J. West by November 12, 1999, TDD (360) 664-0064, or (360) 236-4712.

**Submit Written Comments to:** Jeanne Giese, fax (360) 236-4738, by November 12, 1999.

**Date of Intended Adoption:** November 19, 1999.

July 20, 1999

Paula Q. Meyer, RN, MSN  
Executive Director



**AMENDATORY SECTION** (Amending WSR 97-13-100, filed 6/18/97, effective 7/19/97)

**WAC 246-840-730 Mandatory reporting ((defined)).**  
 ((The nursing commission does not intend to cause every nursing error to be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the licensed practical nurse or registered nurse.

**FOR PRACTICAL NURSES:**

(1) Any person, including health care facilities and agencies and state or local government, who is aware of a conviction or has made a determination or finding that a practical nurse has committed an act constituting unprofessional conduct as defined in RCW 18.130.180, including violation of chapter 246-840 WAC, shall report such conviction, determination or finding to the commission.

(2) Any person, including health care facilities and agencies and state or local government, who has information that a practical nurse may not be able to practice with reasonable skill and safety as a result of a mental or physical condition, shall report such information to the commission.

**FOR REGISTERED NURSES:**

(3) Any person, including nurses, health care facilities and agencies, and state or local government agencies, who has knowledge or concern that a registered nurse has committed an act which constitutes unprofessional conduct as provided in RCW 18.130.180, including violations of chapter 246-840 WAC, or failed to meet accepted standards for the level at which the registered nurse is licensed, or is unable to practice with reasonable skill or safety as the result of a physical or mental condition shall report or cause a report to be made to the commission. Failure of any nurse to comply with the reporting requirements may in itself constitute a violation of nursing standards.

(4) The decision to report a suspected violation of chapter 18.130 or 18.79 RCW or the rules adopted thereunder shall be based on, but not limited to the following:

(a) The past history of the registered nurse's performance.

(b) A demonstrated pattern of unsafe practice or conduct in violation of the standards of nursing.

(c) The magnitude of any single occurrence for actual or potential harm to the public health and safety.

(5) The following shall always be reported to the nursing commission:

(a) A nurse impostor. As used herein "nurse impostor" means an individual who is ineligible for registered nursing licensure or advanced registered nurse practitioner licensure and who practices or offers to practice registered nursing or advanced nursing or uses any title, abbreviation, card, or device to indicate that the individual is licensed to practice in Washington.

(b) A person who is practicing registered nursing when the license has become void due to nonpayment of fees.

(c) A person who is practicing registered nursing as defined in chapter 18.79 RCW unless licensed as a registered nurse or practical nurse, or a person who is practicing as a

nurse practitioner as defined in WAC 246-840-300 while not licensed as an advanced registered nurse practitioner.

(d) A registered nurse who has been convicted of a crime which relates to the practice of nursing.

(e) A registered nurse who has been dismissed from employment due to unsafe practice or conduct in violation of the standards of nursing.

(f) Client abuse by a registered nurse.

(g) A demonstrated pattern of conduct in violation of the standards of nursing as defined by the rules of the commission or a single occurrence that creates serious harm or risk to the client.

(h) Any violation of a disciplinary sanction imposed on a registered nurse's license by the commission.

(i) Substance abuse as defined in RCW 18.130.180 (6) and (23). Nursing professionals counseling impaired registered nurses for substance abuse are exempt from the reporting requirements except as provided in chapter 5.62 RCW.

(j) Any other cause for discipline as defined in RCW 18.130.170 and 18.130.180.) Mandatory reporting assists the nursing care quality assurance commission (nursing commission) in protecting the public health and safety through the discovery of unsafe or substandard nursing practice or conduct. These rules are intended to define the information that is to be reported and the obligation of nurses and others to report.

The nursing commission does not intend every minor nursing error to be reported or that mandatory reporting serve as a substitute for employer-based disciplinary action.

**Who must make reports and what must be reported to the nursing commission?**

(1) Any person, including, but not limited to, registered nurses, practical nurses, advanced registered nurse practitioners, health care facilities and governmental agencies shall always report the following, except as provided for in subsections (2) and (3) of this section:

(a) Information that a nurse may not be able to practice with reasonable skill and safety as a result of a mental or physical condition;

(b) Information regarding a conviction, determination or finding, including employer-based disciplinary action, that a nurse has committed an act that would constitute unprofessional conduct, as defined in RCW 18.130.180, including violations of chapter 246-840 WAC, including, but not limited to:

(i) Conviction of any crime or plea of guilty, including crimes against persons as defined in chapter 43.830 RCW, and crimes involving the personal property of a patient, whether or not the crime relates to the practice of nursing;

(ii) Conduct which leads to dismissal from employment for cause related to unsafe nursing practice or conduct in violation of the standards of nursing;

(iii) Conduct which reasonably appears to be a contributing factor to the death of a patient;

(iv) Conduct which reasonably appears to be a contributing factor to the harm of a patient that requires medical intervention;

(v) Conduct which reasonably appears to violate accepted standards of nursing practice and reasonably

appears to create a risk of physical and/or emotional harm to a patient:

(vi) Conduct involving a pattern of repeated acts or omissions of a similar nature in violation of the standards of nursing that reasonably appears to create a risk to a patient:

(vii) Drug trafficking:

(viii) Conduct involving the misuse of alcohol, controlled substances or legend drugs, whether or not prescribed to the nurse, where such conduct is related to nursing practice or violates any other drug or alcohol-related nursing commission law:

(ix) Conduct involving sexual contact with a patient under RCW 18.130.180(24) or other sexual misconduct in violation of nursing commission law under WAC 246-840-740:

(x) Conduct involving patient abuse, including physical, verbal and emotional:

(xi) Conduct indicating unfitness to practice nursing or that would diminish the nursing profession in the eyes of the public:

(xii) Conduct involving fraud related to nursing practice:

(xiii) Conduct involving practicing beyond the scope of the nurse's license:

(xiv) Nursing practice, or offering to practice, without a valid nursing permit or license, including practice on a license lapsed for nonpayment of fees:

(xv) Violation of a disciplinary sanction imposed on a nurse's license by the nursing commission.

(2) Persons who work in federally funded substance abuse treatment programs are exempt from these mandatory reporting requirements to the extent necessary to comply with 42 CFR Part 2.

(3) Persons who work in approved substance abuse monitoring programs under RCW 18.130.175 are exempt from these mandatory reporting rules to the extent required to comply with RCW 18.130.175(3) and WAC 246-840-780(3).

#### **How is a report made to the nursing commission?**

(4) In providing reports to the nursing commission, a person may call the nursing commission office for technical assistance in submitting a report. Reports are to be submitted in writing and include the name of the nurse, licensure identification, if available, the name of the facility, the names of any patients involved, a brief summary of the specific concern which is the basis for the report, and the name, address and telephone number of the individual submitting the report.

(5) Failure of any licensed nurse to comply with these reporting requirements may constitute grounds for discipline under chapter 18.130 RCW.

#### **What are the criteria for whistleblower protection?**

(6) Whistleblower criteria is defined in chapter 246-15 WAC and RCW 43.70.075.

## WSR 99-18-083 PROPOSED RULES DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed August 31, 1999, 4:36 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Identification of legend drugs.

Purpose: To identify by rule which drugs have been determined by the United States Food and Drug Administration to require a prescription.

Other Identifying Information: WAC 246-883-020.

Statutory Authority for Adoption: RCW 69.41.075, chapter 18.64 RCW.

Statute Being Implemented: RCW 69.41.075.

Summary: The proposed amendment will update the reference used to identify the drugs that require a prescription in the state of Washington.

Reasons Supporting Proposal: To have an accurate and current list of drugs requiring a prescription.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Don Williams, 1300 Quince Street S.E., Olympia, WA 98504, (360) 236-4828.

Name of Proponent: Department of Health, Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This change will update the reference used to determine the list of drugs which require a prescription in Washington state. The change is necessary so the state will have an accurate and current list of drugs requiring a prescription. The list of drugs is determined by the United States Food and Drug Administration. The rule change will reference the most current source of the list of drugs, the 1999 Drug Topics Red Book.

Proposal Changes the Following Existing Rules: Identifies the official listing of prescription drugs in Washington state to be the 1999 Drug Topics Red Book.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.025(3) states that a small business economic impact statement is not required for this type of rule.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 (5)(b)(iii) states that this section does not apply to rules adopting a national consensus code.

Hearing Location: Tacoma Sheraton Inn, 1320 Broadway Plaza, Tacoma, WA, on October 22, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by October 1, 1999, TDD (800) 833-6388, or (800) 525-0127.

Submit Written Comments to: Lisa Salmi, fax (360) 586-4359, by October 10, 1999.

Date of Intended Adoption: October 22, 1999.

August 23, 1999  
Donald H. Williams  
Executive Director

**AMENDATORY SECTION** (Amending WSR 96-21-041, filed 10/11/96, effective 11/11/96)

**WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW.** (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the 1995-96 edition of the *American Druggist Blue Book*. For the period May 31, 1995, through June 1, 1996, the board adopts the 1995 edition of the *Blue Book*. For the period June 1, 1996, through May 31, 1997, the board adopts the 1996 edition of the *Blue Book*. For the period June 1, 1997, through May 31, 1998, the board adopts the 1997 edition of the *Blue Book*. Effective ..... the board adopts the 1999 Drug Topics Red Book. Copies of the list of legend drugs as contained in the (~~*American Druggist Blue Book*~~) *Drug Topics Red Book* shall be available for public inspection at the headquarters office of the State Board of Pharmacy, 1300 Quince Street S.E., P.O. BOX 47863, Olympia, Washington 98504-7863. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of seventy-six dollars per copy.

(3) There may be changes in the marketing status of drugs after the publication of the above reference. Upon application of a manufacturer or distributor, the board may grant authority for the over the counter distribution of certain drugs which had been designated as legend drugs in this reference. Such determinations will be made after public hearing and will be published as an amendment to this chapter.

**WSR 99-18-084**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Board of Pharmacy)  
[Filed August 31, 1999, 4:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-119.

Title of Rule: Medication assistance in community-based settings.

Purpose: To establish uniform definitions across difference residential settings and to provide guidance to individuals, family members and caregivers on the subject of medication assistance.

Statutory Authority for Adoption: Chapters 69.41, 18.64 RCW.

Statute Being Implemented: RCW 69.41.085.

Summary: This rule allows nonhealth professionals to assist residents residing in community based settings with administration of their medications.

Reasons Supporting Proposal: This rule provides guidance to individuals, caregivers, family members and health professionals concerning medication assistance.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Don Williams, 1300 Quince Street S.E., Olympia, WA 98504, (360) 236-4828.

Name of Proponent: Department of Health, Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule implements legislation enacted by the 1998 legislature. The legislature recognized that certain individuals residing in community-based settings may need assistance with administering their medication and amended the state law to allow nonhealth professionals to assist individuals with their medications under certain circumstances. These rules provide guidance to individuals, family members, caregivers and health professionals on the subject of medication assistance. It is anticipated that individuals who qualify for medication assistance will be able to remain in community based settings rather than skilled nursing facilities.

Proposal does not change existing rules. This is a new section.

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

Small Business Economic Impact Statement  
and  
Economic Impact Analysis

This report contains two analyses: An economic impact analysis (EIA) and a small business economic impact statement (SBEIS). The EIA determines the economic impact of the rule on a typical business. The SBEIS addresses the impact of the rule on small businesses and whether the impact is disproportionate compared to large businesses. The SIC code assigned to this economic activity is 805 Nursing and Personal Care Facilities.

**Purpose:** This rule is intended to provide guidance to individuals and caregivers on the subject of medication assistance. The intent of this rule is to assure that the residents of this state receive the highest level of healthcare in a safe, effective and efficient manner.

**ECONOMIC IMPACT ANALYSIS**

**Introduction:** This rule implements legislation, SHB 2452, chapter 70, Laws of 1998. SHB 2452 amends chapter 69.41 RCW. This rule addresses the unmet health care needs of individuals residing in their own homes and in residential care facilities by allowing nonprofessional caregivers to assist individuals with the administration of their medications.

**Background:** Prior to the enactment of this legislation, individuals needing assistance with their medication(s) were

required to be cared for in a skilled nursing facility regardless of their overall health status. The act of assisting an individual with their medication is considered "administration" of a medication. Under state law, only certain health professionals can administer medications (e.g., nurses, physicians, pharmacists, dentists).

The legislature recognized that some individuals residing in community-based settings (individual homes, adult family homes, boarding homes, assisted living centers, etc.) might need assistance taking their medication(s) due to physical or mental limitations. The legislation allows nonprofessional caregivers to assist individuals or residents with administering noninjectable medication(s). For many of these patients, the appropriate level of care is available in a community based facility, provided the patient can receive assistance with their medication. Caring for individuals in a community-based setting (as opposed to a skilled nursing facility) is a responsible use of health care resources and for most individuals improves quality of life.

**Principle Components of the Regulation:** WAC 246-888-010, describes the purpose of the rules. The purpose of the rules is to provide guidance to the individual/resident and the caregiver on medication assistance and administration.

WAC 246-888-020, describes the different levels of medication administration: Self administration with assistance, independent self administration and medication administration.

WAC 246-888-030, this section informs the reader how self-administration with assistance is initiated. A practitioner, in consultation with the individual (or his or her representative) and the facility decides if medication assistance is appropriate. No additional assessment or documentation of the individual's needs are required, however, providers are encouraged to document their decision making.

WAC 246-888-040, informs the reader the practitioner may need to reassess the individual's status or situation if there is a change in the health status of the individual or resident.

WAC 246-888-050, this section describes what an enabler is and provides examples of enablers. This section also states that the common practice of "hand over hand" administration is prohibited.

WAC 246-888-060, describes how medications can be altered for self-administration with assistance. Examples include crushing the tablet, opening capsules and mixing the medication with foods or liquids, dissolving tablets in liquids, etc.

WAC 246-888-070, informs the reader that a pharmacist or other practitioner, acting within their scope of practice, must determine that it is safe to alter a medication and describes how to document the authorization.

WAC 246-888-080, describes other types of assistance the caregiver may provide, such as pouring a liquid medication into a calibrated spoon or cup.

WAC 246-888-090, informs the reader that oxygen is not covered under this rule.

WAC 246-888-100, informs the reader that these rules also apply to providing assistance to an individual or resident

with a gastrostomy tube provided the physician has authorized the need for assistance.

WAC 246-888-110, informs the reader that they should be familiar with other rules specifically regulating their particular setting, i.e., rules adopted by the Department of Social and Health Services.

**Identification of Major Costs**

**Affected Industry:**

Type of Facility	Number of Facilities	Potential Number of Persons Served	Average Number of Individuals per Facility
Assisted Living Centers	2172	11,085	5.10
Boarding Homes	464	20,706	44.62
Adult Family Homes	2160	9,720	4.5
Homes for Developmentally Disabled	125 contracts	3,000	24

**Costs to a Business:** A survey of the affected parties show that this rule will have minimal economic impact. Costs to a business are limited to documenting the caregiver's decision making in regards to an individual's need for medication assistance.

**Licensing Costs:** None. Residential care facilities do not need to obtain additional licenses from the Department of Health or the Department of Social and Health Services to provide medication assistance. Practitioners are not required to obtain additional licenses either.

**Other Costs:** The only cost associated with this rule is related to record-keeping requirements. It should be noted that the record-keeping requirements contained in these rules are identical to rules already adopted by the Department of Social and Health Services, the agency that licenses these facilities so these do not represent an additional burden.

The following tasks must be accomplished in order to provide medication assistance:

Task	Time	Cost
(1) Document the patient's ability to receive assistance self-administering their medication.	.25/hour	2.50*
(2) Document the authorization of the practitioner for the patient to receive assistance self-administering their medication.	.25/hour	2.50*
(3) Document the appropriateness of altering a medication, if necessary.	.25/hour	2.50*

PROPOSED

Total		7.50 per individual
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\* Assuming an hourly salary of \$10.00 per hour (including benefits)

Because this rule is new, the exact number of individuals affected by this rule is not known. Not all individuals residing in community-based facilities will require medication assistance.

The affect of this rule should result in an overall decrease in health care expenses. Below is an example of the average per day cost for care in a skilled nursing facility and community-based facilities. The cost of care in a community-based setting is significantly reduced from that of a skilled nursing facility.

Type of Facility	Per Day Cost
Skilled Nursing Facility	\$115.50
Adult Residential Care	\$29.31
Enhanced Adult Residential Care	\$47.87
Assisted Living Center	\$57.86

**Agency Impacts:** The department was not able to determine the number of people in the community who will not be sent to a nursing home because of these rules. The impact of this rule to the Department of Health, Board of Pharmacy is limited to technical assistance provided to affected parties.

Activity	Freq- uency	Time Involved	Hourly Rate	Travel Exp.	Total
Tele- phone calls	72 calls per year	24 hours	\$31.54	None	\$756.96
Educa- tional Presen- tations	2	10 hours	\$31.54	\$24.80	\$340.20
<b>Total</b>		<b>34 hours</b>	<b>\$63.09</b>	<b>\$24.80</b>	<b>\$1097.16</b>

**SMALL BUSINESS ECONOMIC IMPACT STATEMENT**

(A) Is a SBEIS Necessary? In preparing this SBEIS, the department used SIC Code 805 which has a minor impact threshold of \$53.00. The impact of the rule, \$7.50 per individual, is below this threshold. However, it is likely that more than seven patients per facility may need assistance with their medication putting the total cost to the facility over \$53.00. This rule is not otherwise exempt and the per business cost exceeds the minor cost threshold so a SBEIS is required.

(B) The Size Distribution of Affected Parties: RCW 19.85.020 defines a small business as one that employs less than 50 individuals. All businesses in this industry category employ less than 50 employees, so all qualify as a small business. Therefore, there is no disproportionate cost to small business from this rule.

(C) Cost Comparison of Large and Small Businesses: No cost comparison was performed because all businesses in this industry are small by definition.

(D) Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses: Since all business' in this industry are small and there is no disproportionate impact to small business, DOH has no obligation to mitigate costs. It should be noted that the only costs associated with this rule are related to record-keeping requirements. The same record-keeping requirements are already mandated by the Department of Social and Health Services, the agency that licenses these facilities.

(E) Involvement of Small Businesses in the Development of the Rule: The Department of Health solicited information from representatives of boarding homes, adult family homes, and assisted living centers in preparing this impact statement. The department also received data during public meetings and in written comments. Comments on the rule were also received from several governmental agencies and other organizations representing the industry.

(F) Industries Required to Comply with the Rule: An estimated 4921 facilities will be required to comply with the rules.

A copy of the statement may be obtained by writing to Lisa Salmi, Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Tacoma Sheraton Inn, 1320 Broadway Plaza, Tacoma, WA, on October 22, 1999, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Lisa Salmi by October 1, 1999, TDD (800) 833-6388, or (800) 525-0127.

Submit Written Comments to: Lisa Salmi, fax (360) 586-4359, by October 10, 1999.

Date of Intended Adoption: October 22, 1999.

August 23, 1999

D. H. Williams

Executive Director

**Chapter 246-888 WAC**

**MEDICATION ASSISTANCE**

NEW SECTION

**WAC 246-888-010 Purpose.** The legislature recognizes that individuals residing in community-based settings or their own homes, may need assistance self-administering their medications, legend drugs and controlled substances, due to physical or mental limitations. The following rules provide guidance to the individual/resident and caregiver on medication assistance and administration.

NEW SECTION

**WAC 246-888-020 What is self-administration with assistance and how is it different from independent self-administration or medication administration?** Self-administration with assistance means assistance rendered by a nonpractitioner to an individual residing in a community-based setting or his/her own home. It includes reminding or coaching the individual to take their medication, handing the

PROPOSED

medication container to the individual, opening the medication container, using an enabler, or placing the medication in the hand of the individual/resident. The individual/resident must be able to put the medication into his or her mouth or apply or instill the medication. The individual/resident does not necessarily need to state the name of the medication, intended effects, side effects, or other details, but must be aware that he/she is receiving medications. The individual/resident retains the right to refuse medication. Assistance with the administration of intravenous and injectable medications are specifically excluded. Self-administration with assistance shall occur immediately prior to the ingestion or application of a medication.

Independent self-administration occurs when an individual/resident is independently able to directly apply a legend drug or controlled substance by ingestion, inhalation, injection or other means. In licensed boarding homes, self-administration may include situations in which an individual cannot physically self-administer medications but can accurately direct others per WAC 246-316-300. These regulations do not limit the rights of people with functional disabilities to self direct care according to RCW . . . . .

If an individual/resident is not able to physically ingest or apply a medication independently or with assistance, then the medication must be administered to the individual/resident by a person legally authorized to do so (e.g., physician, nurse, pharmacist). All laws and regulations applicable to medication administration apply. If an individual/resident cannot safely self-administer medication or self-administer with assistance and/or cannot indicate an awareness that he or she is taking a medication, then the medication must be administered to the individual/resident by a person legally authorized to do so.

#### NEW SECTION

**WAC 246-888-030 How is self-administration with assistance initiated in a community based setting?** An individual/resident or his or her representative from a community based setting may request self-administration with assistance. The practitioner consults with the individual or his or her representative and the facility in making the decision. A practitioner considers such factors as the physical and mental limitations of the individual and the setting or environment in which the individual resides, for purposes of determining whether or not the individual can safely self-administer with assistance. Practitioners include: A physician, osteopathic physician, podiatric physician, dentist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, and a pharmacist. Refer to chapter 69.41 RCW for a complete listing of authorized practitioners.

No additional separate assessment or documentation of the needs of the individual/resident are required in order to initiate self-administration with assistance. It is recommended that providers document their decision making process in the health record of the individual or resident health record.

#### NEW SECTION

**WAC 246-888-040 What if there is a change in the individual's situation?** If there is a change in the health status of the individual/resident, medications, physical or mental limitations, or environment, the practitioner may need to be re-involved in the process.

#### NEW SECTION

**WAC 246-888-050 What is an enabler?** Enablers are physical devices used to facilitate an individual's/resident's self-administration of a medication. Physical devices include, but are not limited to, a medicine cup, glass, cup, spoon, bowl, prefilled syringes, syringes used to measure liquids, specially adapted table surface, straw, piece of cloth or fabric.

An individual's hand may also be an enabler. The practice of "hand-over-hand" administration is not allowed. Medication administration with assistance includes steadying or guiding an individual's hand while he or she applies or instills medications such as ointments, eye, ear and nasal preparations.

#### NEW SECTION

**WAC 246-888-060 How can medications be altered to assist with self-administration?** Alteration of a medication for self-administration with assistance includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids. Individuals/residents must be aware that the medication is being altered or added to their food.

#### NEW SECTION

**WAC 246-888-070 Can all medications be altered to facilitate self-administration?** A pharmacist or other practitioner practicing within their scope of practice must determine that it is safe to alter a medication. If the medication is altered, documentation of the appropriateness of the alteration must be on the prescription container, or in the individual's/resident's record.

#### NEW SECTION

**WAC 246-888-080 What other type of assistance can a nonpractitioner provide?** A nonpractitioner can transfer a medication from one container to another for the purpose of an individual dose. Examples include: Pouring a liquid medication from the medication container to a calibrated spoon or medication cup.

#### NEW SECTION

**WAC 246-888-090 Is oxygen covered under this rule?** Under state law, oxygen is not a medication and is not covered under this rule. While oxygen is not considered a

medication under state law, oxygen does require an order/prescription from a practitioner.

#### NEW SECTION

**WAC 246-888-100** If a individual/resident is able to administer his or her own oral medication through a gastrostomy or "g-tube," can a nonpractitioner provide assistance as outlined in these rules? If the prescription is written as an oral medication via "g-tube," and if a practitioner has determined that the medication can be altered, if necessary, for use via "g-tube," the rules as outlined for self-administration with assistance would also apply.

#### NEW SECTION

**WAC 246-888-110** Are there any other requirements I need to be aware of? You should be familiar with the rules specifically regulating your residential setting. The department of social and health services has adopted rules relating to medication services in boarding homes and adult family homes.

**WSR 99-18-085**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed August 31, 1999, 4:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-083.

Title of Rule: Renewal and CME cycles.

Purpose: These rules will change the current annual license renewal for physicians and physician assistant to once every two years. In addition, the continuing medical education cycles will also be revised from three to four years for physicians and from one year to two years for physician assistants.

Other Identifying Information: WAC 246-919-421, 246-919-430, 246-919-450, 246-919-460, 246-919-990, 246-918-171, and 246-918-990.

Statutory Authority for Adoption: RCW 18.71.017 and 18.130.050(1).

Statute Being Implemented: RCW 18.130.040(4), 18.130.050(12), and 18.130.340.

Summary: These regulations revise the cycles for license renewal and reporting of continuing medical education, which would allow a more efficient use of staff resources, as well as accommodating the request by numerous practitioners to lengthen the amount of time between renewal due dates to better align with other national intervals of the same type.

Reasons Supporting Proposal: There has been an increase of approximately 5% of all credentials under the jurisdiction of the Medical Quality Assurance Commission over the last four years. While this increase in workload has occurred, licensing program staffing levels have decreased from six individuals in 1994 to four individuals in 1998.

Implementing these rules appears to be the most logical and efficient solution to accommodate practitioner requests for increased renewal cycles, as well as staff resource issues.

Name of Agency Personnel Responsible for Drafting: Susan Anthony, Licensing Manager, 1300 S.E. Quince Street, Olympia, (360) 236-4787; Implementation: Beverly Teeter, Administrator, 1300 S.E. Quince Street, Olympia, (360) 236-4788; and Enforcement: Bonnie King, Executive Director, 1300 S.E. Quince Street, Olympia, (360) 236-4789.

Name of Proponent: Medical Quality Assurance Commission and Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules have been developed in response to requests from practitioners to revise the license renewal cycle from an annual basis to a two year renewal. In addition, continuing medical education reporting cycles have also been modified to coincide with renewal due dates: A four year reporting cycle for physicians, and a two year reporting cycle for physician assistants. While revisions are being made for physicians and physician assistants, physicians with a retired active license status or a post graduate training license will continue to renew on an annual basis. This will allow those with reduced incomes to maintain current renewal fees.

Proposal Changes the Following Existing Rules: Existing rules pertaining to continuing medical education, renewal cycles, and fees are being changed to accommodate the revision to a two year renewal cycle and continuing medical education reporting cycles of four years for physicians and two years for physician assistants.

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

#### Small Business Economic Impact Statement

Individual providers qualify as small businesses since less than fifty people are employed. Since most providers qualify as small businesses, there is no disproportionate impact to small businesses. When there is no disproportionate impact, mitigation is not necessary.

As a result of these rules, there will be no administration expenses or professional service requirements. Also, there will be no reduced business and no change to, nor the addition of, paperwork for the licensed practitioners.

All licensed practitioners are governed under RCW 18.130.180.

Public involvement has been solicited from interested party lists and from licensees via an article in the Medical Quality Assurance Commission UPDATE! publication. In addition, two public rule writing workshops were held, one on November 4, 1998, in Spokane and one on November 6, 1998, in SeaTac.

Opportunity for written and oral comments will also be provided during the formal public rules hearing to be held October 12, 1999, in Olympia, Washington.

A copy of the statement may be obtained by writing to Susan Anthony, Licensing Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box

47866, Olympia, WA 98504-7866, phone (360) 236-4787, fax (360) 586-4573.

RCW 34.05.328 does not apply to this rule adoption. This rule does not change requirements for licensure, just the reporting time period.

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, on October 12, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Anthony by October 5, 1999, TDD (800) 833-6388, or (360) 236-4787.

Submit Written Comments to: Susan Anthony, fax (360) 586-4573, by October 5, 1999.

Date of Intended Adoption: October 12, 1999.

August 17, 1999

Bonnie King

Executive Director

## NEW SECTION

**WAC 246-919-421 Renewal and continuing medical education cycle revision.** Beginning January 1, 2000, the one-year renewal cycle for physicians will transition to a two-year cycle and a four-year continuing medical education reporting cycle. The renewal and continuing medical education reporting cycle will be as follows:

(1) Effective January 1, 2000, any physician whose birth year is an even number will renew their credential for twenty-four months and every two years thereafter. Those physicians must obtain two hundred hours of continuing medical education within the next forty-eight months from the date of the initial two-year license and every four years thereafter.

(2) Effective January 1, 2001, any physician whose birth year is an odd number will renew their credential for twenty-four months and every two years thereafter. Those physicians must obtain two hundred hours of continuing medical education within the next forty-eight months from the date of the initial two-year license and every four years thereafter.

(3) Effective January 1, 2000, in order to attain full license status, individuals with a post-graduate limited license will pay the fee difference between the limited license application and the full license application. This license will expire on their second birthdate after issuance and every two years thereafter.

(4) Effective January 1, 2000, those physicians on a retired active status will remain on the annual renewal cycle and a four-year continuing medical education reporting cycle. Those retired active physicians must report two hundred hours of continuing medical education within the next forty-eight months and every four years thereafter.

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-919-430 General requirements.** (1) Licensed physicians must complete ~~((one))~~ two hundred ~~((fifty))~~ hours of continuing education every ~~((three))~~ four years as required in chapter 246-12 WAC, Part 7.

(2) In lieu of the ~~((one))~~ two hundred ~~((fifty))~~ hours of continuing medical education, the commission will accept a current Physician's Recognition Award from the American Medical Association or a current certificate from any specialty board approved by the American Board of Medical Specialties (ABMS) which is considered by the specialty board as equivalent to the ~~((one))~~ two hundred ~~((fifty))~~ hours of continuing medical education required under WAC 246-919-430(1). The commission will also accept certification or recertification by a specialty board as the equivalent of ~~((one))~~ two hundred ~~((fifty))~~ hours of continuing medical education. A list of the approved specialty boards are designated in the *1995 Official American Boards of Medical Specialty Director of Board Certified Medical Specialist* and will be maintained by the commission. The list shall be made available upon request. The certification or recertification must be obtained in the ~~((three))~~ four years preceding application for renewal.

**AMENDATORY SECTION** (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

**WAC 246-919-450 Categories of creditable continuing medical education activities.** ~~((The licensee may earn all one hundred fifty credit hours in Category I. If the licensee does not earn the one hundred fifty credit hours in Category I, the licensee must earn the total of one hundred fifty credit hours in at least three of the five categories.))~~ The following are categories of creditable continuing medical education activities approved by the commission:

- |              |  |
|--------------|--|
| Category I   | Continuing medical education activities with accredited sponsorship  |
| Category II  | Continuing medical education activities with nonaccredited sponsorship (maximum of <del>((sixty))</del> <u>eighty</u> hours)   |
| Category III | Teaching <del>((medical))</del> of physicians or <del>((the))</del> <u>other</u> allied health <del>((services))</del> <u>professionals</u> (maximum of <del>((sixty))</del> <u>eighty</u> hours)  |
| Category IV  | Books, papers, publications, exhibits (maximum of <del>((sixty))</del> <u>eighty</u> hours)  |
| Category V   | <del>((Nonsupervised))</del> <u>Self-directed activities:</u> Self-assessment, self-instruction, specialty board examination preparation, quality of care and/or utilization review (maximum of <del>((sixty))</del> <u>eighty</u> hours). |

**AMENDATORY SECTION** (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-919-460 Continuing medical education requirement.** (1) The credits must be earned in the ~~((thirty-six))~~ forty-eight-month period preceding application for renewal of licensure.

(2) **Category I: Continuing medical education activities with accredited sponsorship.** ~~((A maximum of one hundred fifty credit hours may be earned in Category I.))~~ The



commission has approved the standards adopted by the Accreditation Council for Continuing Medical Education or its designated interstate accrediting agency, the Washington State Medical Association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as Category I credit towards the licensee's continuing medical education requirement for annual renewal of licensure. The licensee may earn all two hundred credit hours in Category I.

(3) **Category II: Continuing medical education activities with nonaccredited sponsorship.** A maximum of ~~((sixty))~~ eighty credit hours may be earned by attendance at continuing medical education programs that are not approved in accordance with the provisions of Category I.

(4) **Category III: Teaching ~~((medical))~~ of physicians or ~~((the))~~ other allied health ~~((services))~~ professionals.** A maximum of ~~((sixty))~~ eighty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

(5) **Category IV: Books, papers, publications, exhibits.**

(a) A maximum of ~~((sixty))~~ eighty credit hours may be earned under Category IV, with specific subcategories listed below. Credit may be earned only during the ~~((thirty-six))~~ forty-eight-month period following presentations or publications.

(b) Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing can not be accepted in this or any other category for credit.

(6) **Category V: ~~((Nonsupervised.))~~ Self-directed activities.**

(a) A maximum of ~~((sixty))~~ eighty credit hours may be earned under Category V. ~~((Credit may be earned only for the thirty-six month period following the year in which the study, preparation, care and/or review occurred.))~~

(b) Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.

(c) Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

(d) Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

(e) Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

**WAC 246-919-990 Physician and surgeon fees and renewal cycle.** (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2, except postgraduate training limited licenses and retired active physician licenses.

(2) Postgraduate training limited licenses must be renewed every year to correspond to program date.

(3) Retired active physician licenses shall be renewed every year.

(4) The following nonrefundable fees will be charged:

Title of Fee	Fee
Physicians and surgeons: Chapter 18.71 RCW	
Application	\$300.00
Retired active physician license renewal	125.00
<u>One-year renewal</u>	200.00
<u>Two-year renewal</u>	<u>400.00</u>
Late renewal penalty	<del>((50.00))</del> <u>100.00</u>
Expired license reissuance	<del>((100.00))</del> <u>200.00</u>
Substance abuse monitoring surcharge	<del>((25.00))</del> <u>50.00</u>
<u>(assessed at \$25.00 each year as stipulated in RCW 18.71.310(2))</u>	
Certification of license	50.00
Duplicate license	15.00
Temporary permit	50.00
Postgraduate limited license fees: RCW 18.71.095	
Limited license application	200.00
Limited license renewal	200.00
Substance abuse monitoring surcharge	25.00
Limited duplicate license	15.00

NEW SECTION

**WAC 246-918-171 Renewal and continuing medical education cycle revision.** Beginning January 1, 2000, the one-year renewal cycle for physician assistants will transition to a two-year cycle and two-year continuing medical education cycle. The renewal and continuing medical education will be as follows:

(1) Effective January 1, 2000, any physician assistant whose birth year is an even number will renew their credential for twenty-four months and every two years thereafter. Those physician assistants must obtain one hundred hours of continuing medical education within the twenty-four months following the date their first two-year license is issued and every two years thereafter.

(2) Effective January 1, 2001, any physician assistant whose birth year is an odd number will renew their credential for twenty-four months and every two years thereafter. Those physician assistants must obtain one hundred hours of

PROPOSED

continuing medical education within the twenty-four months following the date their first two-year license is issued and every two years thereafter.

**AMENDATORY SECTION** (Amending WSR 99-13-087, filed 6/14/99, effective 7/15/99)

**WAC 246-918-990 Fees and renewal cycle.** (1) Licenses must be renewed every two years 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
Physician((s)) assistants, certified physician assistants, physician assistant-surgical assistants, acupuncture physician assistants:	
Application	\$50.00
<u>One-year renewal</u>	<del>((35.00))</del> <u>70.00</u>
<u>Two-year renewal</u>	<u>70.00</u>
Substance abuse monitoring surcharge <u>(assessed at \$25.00 each year as stipulated in RCW 18.71A.020(3))</u>	<del>((25.00))</del> <u>50.00</u>
Expired license reissuance	35.00
Duplicate license	15.00

**WSR 99-18-086**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed August 31, 1999, 4:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-21-079.

Title of Rule: Pain management rules.

Purpose: These rules will promote a better understanding of the accepted standard of practice for physicians and patients in Washington state and encourage effective treatment of chronic and intractable pain.

Other Identifying Information: WAC 246-919-800, 246-919-810, 246-919-820, and 246-919-830.

Statutory Authority for Adoption: RCW 18.71.017 and 18.130.050(1).

Statute Being Implemented: RCW 18.130.050(12) and 18.130.340.

Summary: These regulations stress the importance of effective treatment for patients who suffer from chronic or intractable pain. The regulations also note that the treatment of pain with opioids can be consistent with currently accepted medical practice. The regulations encourage effective treatment while retaining individual physician judgment, as well as allowing for potential treatment advances that may occur in the future.

Reasons Supporting Proposal: While the Medical Quality Assurance Commission and the Department of Health rarely utilize regulation or rule writing to address standard of

care issues, it has been determined there is a need to address the under-treatment of chronic and intractable pain, which continues to be a concern in Washington state.

Name of Agency Personnel Responsible for Drafting: George Heye, MD, Medical Consultant, 1300 S.E. Quince Street, Olympia, (360) 236-4795; Implementation: Beverly Teeter, Administrator, 1300 S.E. Quince Street, Olympia, (360) 236-4788; and Enforcement: Bonnie King, Executive Director, 1300 S.E. Quince Street, Olympia, (360) 236-4789.

Name of Proponent: Medical Quality Assurance Commission and Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules have been developed in response to information gathered during a public forum held July 1998 regarding the 1996 Guidelines for Management of Pain. Public input indicated that though the guidelines represented an advancement in the treatment of chronic pain, they did not go far enough to affect the existence of substantial under-treatment of patients with chronic pain. In addition, there is an outdated perception on the part of physicians that the use of opioids in the treatment of chronic pain conditions will result in adverse action by the state disciplining authority. Through an extensive collaborative effort, the rules were written to encourage effective treatment of chronic pain, retain individual physician judgment, and allow for future advances in the treatment of chronic pain.

Proposal does not change existing rules.

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

Small Business Economic Impact Statement

All licensed practitioners are governed under chapter 18.71 RCW. Each physician must apply for his or her own license. Since physician licenses are granted to individuals rather than entities with multiple persons, businesses affected by the proposed rule amendments have only one employee.

The standard industrial code (SIC) identified for physicians is:

SIC CODE	ECONOMIC ACTIVITY	MINOR COST
801	Offices and Clinics of Doctors of Medicine	\$240

The costs to comply with this rule, for physicians who choose to comply, have been identified as:

WAC NUMBER	ACTIVITY	COST
246-918-410 and 246-919-810 (1)(2)	Initial Review of Guidelines	\$340
246-918-410 and 246-919-810(3)	Revised Guidelines	170
246-918-420 and 246-919-820	Continuing Education	300

The costs for the initial review of the guidelines and the continuing education are more than the minor costs for this activity. However, since licenses are granted to individuals who all qualify as small businesses, rather than entities with

PROPOSED

multiple persons, there cannot be a disproportionate impact. When there is no disproportionate impact, mitigation is not necessary.

Public involvement has been solicited from interested party lists and from licensees via an article in the Medical Quality Assurance Commission UPDATE! publication. In addition, two public rule writing workshops were held, one on November 4, 1998, in Spokane and one on November 5, 1998, in SeaTac.

Opportunity for written and verbal comments will also be provided during the formal public rules hearing to be held in the summer of 1999.

A copy of the statement may be obtained by writing to Susan Anthony, Licensing Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4787, fax (360) 586-4573.

RCW 34.05.328 does not apply to this rule adoption. These rules offer guidance which practitioners should follow, however they do not mandate a specific type of treatment, recordkeeping or training so they do not equate to a specific directive.

Hearing Location: **Videoconferencing**, Department of Information Services Interactive Technologies - 4 Sites: Renton (Seattle), 1107 S.W. Grady Way, Suite 112, (425) 277-7290; Spokane, North 1101 Argonne, Suite 109, (509) 921-2371; Lacey, 710 Sleater-Kinney Road, Suite Q, (360) 407-9487; Yakima, 15 West Yakima Avenue, Suite 220, (509) 454-7878; on October 7, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Anthony by October 1, 1999, TDD (800) 833-6388, or (360) 236-4787.

Submit Written Comments to: Susan Anthony, fax (360) 586-4573, by October 1, 1999.

Date of Intended Adoption: October 7, 1999.

August 4, 1999  
Bonnie King  
Executive Director

**PAIN MANAGEMENT**

NEW SECTION

**WAC 246-919-800 Purpose.** (1) The medical quality assurance commission recognizes that effective pain management is an essential component of quality medical care and that no single approach to the treatment of pain is exclusively correct.

(2) The commission wishes to reassure practitioners that they need not fear disciplinary action from the commission for prescribing, dispensing, or administering opioids when treating pain so long as the care provided is consistent with currently acceptable medical practice. This includes acute, chronic and intractable pain (RCW 69.50.308(g)).

(3) While many other medications may be appropriate in the treatment of pain, these regulations specifically address the use of opioids. As used in these regulations, the term opioid means any natural or synthetic medication that has morphine like activity.

NEW SECTION

**WAC 246-919-810 What specific guidance should a practitioner follow?** (1) The commission has adopted guidelines for the management of pain in order to acquaint practitioners with recognized national standards in the field of pain treatment.

(2) These guidelines specifically address the patient evaluation and treatment plan, informed consent, periodic reviews, use of consultations, and the necessity for maintaining accurate and complete medical records.

(3) These guidelines may be revised from time to time to reflect changes in the practice of pain management.

(4) Practitioners who cannot or choose not to treat patients who have complex or chronic pain conditions should offer appropriate referrals for those patients.

NEW SECTION

**WAC 246-919-820 What knowledge should a practitioner possess to treat pain patients?** Practitioners treating pain should be:

- (1) Knowledgeable about the complex nature of pain;
- (2) Familiar with the pain treatment terms used in the commission's pain treatment guidelines; and
- (3) Knowledgeable about acceptable pain treatment modalities.

NEW SECTION

**WAC 246-919-830 How will the commission evaluate prescribing for pain?** (1) The practitioner's treatment will be evaluated by a review of the provided care to see if it is clinically sound and in accordance with currently acceptable medical practice regarding the treatment of pain.

(2) No disciplinary action will be taken against a practitioner based solely on the quantity and/or frequency of opioids prescribed.

**WSR 99-18-094**

**PROPOSED RULES**

**STATE BOARD FOR**

**COMMUNITY AND TECHNICAL COLLEGES**

[Filed September 1, 1999, 8:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-09-017.

Title of Rule: Retirement rule revisions, WAC 131-16-021.

Purpose: Clarifies eligibility (further) for participation in the plan and places responsibility with the employer (community or technical college or the state board) to notify eligible employees in writing of their potential right to participate in the retirement plan.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: WAC 131-16-021.

PROPOSED

Summary: See Purpose above.

Reasons Supporting Proposal: Additional language added at the request of faculty union representatives.

Name of Agency Personnel Responsible for Drafting and Implementation: John Boesenberg, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, (360) 753-3661; 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: See Purpose above.

Proposal Changes the Following Existing Rules: The community and technical college or state board employer shall notify, in writing, all newly hired employees of their potential right to participate in the retirement plan.

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: Lower Columbia College, 1600 Maple, Longview, WA, on October 20, 1999, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger by October 10, 1999, (360) 586-6440.

Submit Written Comments to: C. Krueger or J. Boesenberg, P.O. Box 42495, Olympia, WA 98504-2495, fax (360) 586-6440, by October 15, 1999.

Date of Intended Adoption: October 20, 1999.

August 31, 1999  
 Claire C. Krueger  
 Executive Assistant and  
 Agency Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-14-033, filed 6/23/98, effective 7/24/98)

**WAC 131-16-021 Employees eligible to participate in retirement annuity purchase plan.** (1) Eligibility to participate in the TIAA/CREF plan is limited to persons who hold appointments to college district or state board staff positions as full-time or part-time faculty members or administrators exempt from the provisions of chapter 28B.16 RCW and ~~((who)), effective July 1, 1999,~~ are assigned a cumulative total of at least ~~((eighty))~~ fifty percent of full-time workload as defined by the collective bargaining agreement and/or the appointing authority at one or more college districts or the state board for at least two consecutive college quarters ~~((or whose employment meets the requirements for an "eligible position" as defined by the Washington state teachers retirement system)).~~ (Part-time faculty workload is calculated in accordance with RCW 28B.50.489 and 28B.50.489.1.)

(2) Participation in the plan is also permitted for current and former employees of college districts or the state board who are on leave of absence or who have terminated employment by reason of permanent disability and who are receiving a salary continuation insurance benefit through a plan made available by the state of Washington: Provided, That such

noncontributory participation shall not be creditable toward the number of years of full-time service utilized in calculating eligibility for supplemental retirement benefits pursuant to WAC 131-16-061.

(3) Optional participation in tax-deferred annuities other than this qualified plan as offered by individual colleges is permitted consistent with the Internal Revenue Code: Provided, That the provisions of WAC 131-16-015, 131-16-050, and 131-16-061 shall not apply in such cases. Optional tax-deferred annuities are provided through a salary reduction agreement between the employee and employer. There is no employer contribution for optional tax-deferred annuities.

(4) An employee who moves from an ineligible to an eligible position for the same appointing authority may become a participant by so electing in writing within six months following such move.

(5) A participant who moves from an eligible position to an ineligible position for the same appointing authority may continue to be a participant by so electing within six months following such move.

(6) Participants shall continue participation regardless of the proportion of full-time duties assigned, except as otherwise provided in this section, as long as continuously employed ~~((by the same appointing authority. For the purpose of this section, spring and fall quarters shall be considered as consecutive periods of employment))~~ within the community and technical college system. The community and technical college or state board employer shall notify, in writing, all newly hired employees of their potential right to participate. A participating employee, who changes employers without a break in service, shall have the responsibility to notify in writing the new college or state board employer of his or her eligibility. In no case will there be a requirement for retroactive contributions if an employee fails to inform his or her college or state board employer about eligibility previously established with another community and technical college system employer. For the purposes of this section, spring and fall quarters shall be considered as consecutive periods of employment.

(7) As a condition of employment, all employees who become eligible on and after January 1, 1997, shall participate in this plan upon initial eligibility. Notwithstanding this provision, all eligible new employees who at the time of employment are members of the Washington state teachers retirement system or the Washington public employees retirement system may participate as provided in WAC 131-16-031(1).

**WSR 99-18-100**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Order 97-39—Filed September 1, 1999, 9:31 a.m.]

Supplemental Notice to WSR 99-07-110.

Preproposal statement of inquiry was filed as WSR 97-21-099.

Title of Rule: Open burning (all types of outdoor burning except agricultural burning and silvicultural burning).

PROPOSED

The proposed rule revises the previously proposed rule in response to public comment.

Purpose: To achieve consistency with, and implement, all related provisions of chapter 70.94 RCW.

**Primary Changes to the Outdoor Burning Provisions in Chapter 70.94 RCW That Need to be Reflected in Chapter 173-425 WAC**

Legislative Action	Primary Changes
1995 ESHB 1080	<ol style="list-style-type: none"> <li>1. Required specific permits for residential and land clearing burning;</li> <li>2. Exempted residential burning from permits in the nonurban areas of counties with an unincorporated population of &lt;50,000 people;</li> <li>3. Allowed permitting entities to use general permit by rule, or approve permits verbally or electronically;</li> <li>4. Exempted tumbleweed burning from permits and fees in counties with an unincorporated population of &lt;250,000 people;</li> <li>5. Required that alternative also be "available" before outdoor burning can be prohibited under RCW 70.94.745(6);</li> <li>6. Exempted "incidental agricultural burning" from permits and fees;</li> <li>7. Defined "nonurban areas" as "unincorporated areas within a county that is (sic, are) not designated as an urban growth area under chapter 36.70A RCW";</li> <li>8. Allowed fire districts to avoid enforcing air quality requirements related to outdoor burning unless they agree to.</li> </ol>
1997 SHB 1726	<ol style="list-style-type: none"> <li>1. Authorized agencies with permitting jurisdiction to allow <u>or permit</u> storm or flood debris burning, but required a permit in areas where outdoor burning must be prohibited under RCW 70.94.743 (1)(a) and (b).</li> </ol>
1998 EHB 2414	<ol style="list-style-type: none"> <li>1. Extended the deadline for prohibiting outdoor burning in urban growth areas for <u>most</u> cities under 5,000 from December 31, 2000 to December 31, 2006.</li> </ol>

1998 SHB 2523	<ol style="list-style-type: none"> <li>1. Allowed the burning of petroleum products in fire fighting instruction fires for training to fight aircraft crash rescue fires conducted in accordance with RCW 70.94.650(5);</li> <li>2. Stated that such fires are not outdoor burning under RCW 70.94.743 through 780; and</li> <li>3. Authorized ecology and local air authorities to permit limited burning of prohibited materials in other fire fighting instruction fires and other fires to protect public health and safety.</li> </ol>
1998 2E2SHB 1354	<ol style="list-style-type: none"> <li>1. Changed the threshold for declaring impaired air quality due to particulate matter from 75 µg/m<sup>3</sup> to 60 µg/m<sup>3</sup>.</li> </ol>

Other Identifying Information: Chapter 173-425 WAC (all sections).

Statutory Authority for Adoption: RCW 70.94.700 and [70.94.]755.

Statute Being Implemented: Chapter 70.94 RCW.

Summary: The purpose of the proposed rule is to establish a program to implement the limited burning policy authorized by sections 743 through 765 of the Washington Clean Air Act (chapter 70.94 RCW) and other provisions of the act that pertain to outdoor burning (except agricultural and silvicultural burning). The limited burning policy requires ecology and other agencies to prohibit burning in certain areas, require permits for most types of burning (where not prohibited), and foster and encourage reasonable alternatives to burning.

Reasons Supporting Proposal: Chapter 173-425 WAC needs to be amended to make it consistent with chapter 70.94 RCW as changed in 1995, 1997, and 1998 through ESHB 1080, SHB 1726, EHB 2414, and SHB 2523.

Name of Agency Personnel Responsible for Drafting: Bruce Smith, 300 Desmond Drive, Lacey, (360) 407-6889; Implementation and Enforcement: Mary Burg, 300 Desmond Drive, Lacey, (360) 407-6800.

Name of Proponent: Washington State Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule applies to all outdoor burning except agricultural and silvicultural (forest) burning, and burning on Indian reservations. It establishes a program to implement the limited burning policy authorized by sections 7.43 through 765 of the Washington Clean Air Act (chapter 70.94 RCW) and other provision of the act that pertain to such burning. The limited burning policy requires ecology and other agencies to: (1) Reduce outdoor burning to the greatest extent practical, primarily by prohibiting it in certain areas, (2) control it in other areas by imposing requirements and

PROPOSED

permits for most types of burning, and (3) foster and encourage reasonable alternatives to burning. The proposed rule revisions are intended to make the WAC consistent with all related provisions of the RCW, some of which have been changed in recent years (1995, 1997, and 1998) through ESHB 1080, SHB 1726, EHB 2414, and SHB 2523. The anticipated effects of the rule include cleaner air and some further restrictions on burning, which may result in higher costs for property owners and land developers or their customers, and agencies involved in implementing the rule. However, when burning is prohibited in areas having reasonable alternatives to burning, these agency costs will be reduced.

**PROPOSED**

Proposal Changes the Following Existing Rules: The proposed revisions only prohibit residential and land clearing burning in areas where outdoor burning is prohibited by statutory deadlines. They also add a prohibition on land clearing burning in areas with a population density of one thousand people per square mile. They also replace the old process for determining if a reasonable alternative to burning exists for the various types of organic refuse in each area of the state - a determination which can result in that type of burning being prohibited in the area. They also impose some restrictions on burning demolition debris, burning hauled materials, burning when a fire danger burn ban has been declared, burning that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance, and burning in outdoor containers. The revisions also identify all of the types of burning that require a permit, they establish a process for identifying the permitting and enforcing agencies for each type of burning and for determining the type of permit to be used, and they establish a revised general permit for residential burning.

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

#### Small Business Economic Impact Statement

**INTRODUCTION:** Chapter 19.85 RCW (the Regulatory Fairness Act) requires that rule-making actions be examined for disproportionate impacts on small versus large business. If such impacts occur, they are to be mitigated to the extent feasible and legal under the stated objectives of the statute upon which the rule is based. An examination of the above referenced rule indicates that no disproportionate impacts occur. The remainder of this document describes the analysis and reasoning leading to that conclusion.

**BACKGROUND:** Much of this proposed amendatory rule incorporates changes in state statutory or federal regulatory requirements since the previous revision in 1992. In addition, the text of the rule has been reorganized and revised in the interest of greater clarity and usability. This discussion will not consider these changes.

Although firms in many businesses or industries (as well as private individuals) may be affected by the proposed rule revisions from time to time, it appears that the most significant impacts will result from the proposed WAC 173-425-040(5) language relating to areas with alternatives to burning. It is expected that a major portion of those impacts will occur in those sectors of the construction and related industries

where land and land use conversion (including land clearing) are a significant part of the cost and revenue structure of typical firms. These include:

SIC 1531 - Operative Builders: Firms primarily engaged in construction of single family dwellings or other buildings for sale on their own account.<sup>1</sup>

SIC 6552 - Land Subdividers and Developers (Except Cemeteries): Firms primarily engaged subdividing real property into lots and in developing it for resale on their own account.

Firms in other construction industries (general residential and nonresidential, heavy, and special trade contractors) normally conduct their activities on land or other property owned by others - frequently firms in the sectors listed above. Costs incurred by these contractors for disposal of land clearing debris would generally be passed back to property owners or others, including ultimate purchasers of fully developed property. Hence, these sectors have been excluded from the analysis described here.

**ANALYSIS AND RESULTS:** The results displayed below are based on 1998 levels and values and use costs per \$100 of operating revenue (sales) as the measure of impact. Where necessary, information from earlier periods was extrapolated to 1998 levels using relationships derived from the information resources described below.

Information and data for this analysis was drawn from the following sources:

1. The 1987 and 1992 editions of the *Census of Construction Industries: Pacific States* and the 1992 edition of the *Census of Financial, Insurance and Real Estate Industries* were used to assign activity levels to small versus large businesses in the sectors listed above and to extrapolate forward to 1998.

2. The same sources and the 1998 edition of the *Almanac of Business and Industrial Financial Ratios* provided information from which the relationship between operating costs and operating revenues, and the magnitude of land cost in relation to each, for these industries were derived.

3. The Washington Department of Revenue report *Tax Statistics 1997 and 1998* was used to identify the market values of raw developable land in a state-wide and regional basis and to identify the geographic distribution of activity. This then permitted an estimate of the acres of land utilized by the industries considered here during 1998.<sup>2</sup>

4. Tons of land clearing residue generated per acre was taken from the small business economic impact statement prepared for the 1992 revision to Chapter 173-425 WAC. This was used in conjunction with the acres calculated above to estimate total land clearing residue generated by each industry.<sup>3</sup> Nonburning disposal costs were estimated at the 1997 median county solid waste tipping fee of \$71.93/ton. These costs were then converted to a dollars per \$100 of sales basis, and are presented below.

The following table displays the results of the analysis process described above. Discussion of these results follows.

NONBURNING DISPOSAL OF LAND CLEARING RESIDUE COSTS  
PER \$100 REVENUE - WEIGHTED STATEWIDE BASIS

SIC	SMALL BUSINESS	LARGE BUSINESS
1531	\$4.79	\$5.24
6552	\$9.28	\$9.81

DISCUSSION OF RESULTS: As noted in item #2 below, there is a rather pronounced clustering of activity in both industries in nine relatively urbanized counties of the state. There is also a significant difference in developable land values in these counties compared with the rest of the state. Thus, it was judged that the use of simple state-wide averages would present a distorted picture of the true impacts of the proposed rule. Instead, the results shown above are weighted averages, with the geographic distribution of activity providing the weights.

The larger impacts shown above for SIC 6552 than for 1531 are not surprising. The former industry performs the "first stage" part of the overall land development process. Thus, revenues and costs for businesses in this sector are heavily weighted by land values. By contrast, the revenues and costs of firms in SIC 1531 also include the values associated with structures and other improvements - thus resulting in a lower relative impact for land clearing residue disposal costs.

The impact estimates provided above are clearly quite general in that they assume that the state-wide effects shown in the table will prevail everywhere and will be felt by all firms operating in the industries considered here. They are also rather conservative, in that it is implicitly assumed that all firms will incur costs equal to the median county solid waste tipping fee cited above. Neither of these is likely to hold true in all cases. Some of the more significant factors influencing actual impacts in particular cases include:

1. Location with respect to current or future nonburning areas: Land clearing burning is already prohibited in areas of the state that exceed (or have exceeded) federal or state ambient air quality standards for pollutants associated with outdoor burning. Further, chapter 70.94 RCW requires that such burning in cities with populations greater than 10,000 and in urban growth areas by the end of the years 2000 or 2006, depending on population.<sup>4</sup> In some cases, local governments have already implemented burning prohibitions. Thus, businesses operating within such areas either already are - or relatively soon will be - incurring the costs of nonburning disposal of land clearing residue, whatever they may be in each case. The current rule proposal thus does not add to regulatory burdens in such instances.

2. Location with respect to levels of construction/development activity: Over the past several years, nine counties<sup>5</sup> have rather consistently accounted for approximately 90% of the activity in the industries considered here. Not surprisingly, developable land values are substantially higher in these counties than in the remainder of the state. Thus, the relative cost of nonburning disposal of land clear residue is significantly reduced in such areas. The remaining roughly 10% of construction and development activity occurring in the remainder of the state does not enjoy this relative advan-

tage. However, burning may continue to be allowed in these areas as discussed below.

3. Type and amount of vegetative cover: The assumption of "moderately wooded" land cover used here is a middle case between heavily wooded (forested) cover and brushy (or no) cover. Presence of the former would approximately double the nonburning disposal impacts shown in the table above. However, this type of land cover would usually be expected to yield revenue from merchantable timber to aid in covering the costs of disposal. Disposal costs for clearing brushy land cover at 18.75 tons per acre would, of course, be substantially lower than presented here.

An alternative calculation of land clearing residue burned per acre was obtained from averaging 1996-98 permitted broadcasted burns from the smoke management system information (SMSINFO), a burn permit database maintained by the Department of Natural Resources. Tonnage burned per acre ranged from seventeen tons in Eastern Washington to twenty-five tons in Western Washington. This range is similar to the residue generation associated with brushy land cover as listed above.

4. Availability of nonburning alternatives: Land clearing burning (as well as certain other types of outdoor burning) is prohibited by the proposed WAC 173-425-040(5) in areas with nonburning alternative means of disposal that meet the following criteria:

- a) Area is served by a county or municipally-sponsored recycling service for pick-up and composting of the organic refuse; or
- b) Area is served by any other alternative method for disposal of the organic refuse such as a public or private chipping or chipper rental service, an energy recovery or incineration facility, or a solid waste drop box, transfer station, or landfill that will accept the type and volume of organic refuse at a cost less than or equivalent to the median of all county tipping fees in the state for solid waste disposal (\$71.93/ton in 1997); and
- c) Is less harmful to the environment than outdoor burning.

An informal survey of municipal solid waste utilities conducted by air quality program staff revealed that municipally sponsored programs were generally available in Washington's more urbanized counties including the nine identified as high construction/development activity areas. These programs (and similar private services) were generally available at less than or the same cost as general solid waste disposal and, in many cases, at less than the median solid waste tipping fee. Thus, in these instances, the costs of nonburning disposal of land clearing debris would be less than that reported here. In other, less urbanized counties nonburning disposal may be available at solid waste disposal tipping fees. Alternatively, if land clearing debris is not accepted by solid waste utilities or other services/programs are not available, or if tipping fees exceed the median value for the state, burning may continue to be allowed by permit or otherwise unless prohibited by other elements of the proposed rule (as described above) or on account of episodic air quality problems or fire danger conditions.

OTHER ELEMENTS OF THE PROPOSAL: Additional elements of the proposal that may result in new regulatory

PROPOSED

requirements include generally prohibiting burning of materials hauled from areas where burning is otherwise precluded, and the establishment of requirements to be met if this activity is to occur (WAC 173-425-050(2)), and requiring permits for types of burning not previously covered by such requirements. Available information did not allow analysis of relative impacts of these.

MITIGATION: The results presented here support a conclusion that the identifiable impacts of the proposed rule upon small versus large businesses are not disproportionate. Therefore, mitigation is not required. However, certain features of the proposal may have mitigative effects. These include allowing burning in parts of nonattainment areas under certain conditions (WAC 173-425-040(1)), and a broadening of the types of permits that may be used (WAC 173-425-060 (1)(b)). Further, identification and certification of nonburning alternatives is to occur by December 31, 2000. Thus, continued burning may be allowed (subject to other restrictions) in at least some areas until that time. Finally, WAC 173-425-070 provides for variances from rule requirements.

<sup>1</sup> Firms engaged in construction (or renovation) of structures for rental or lease to others are classified in SIC 651 - Real Estate. However, available data was not sufficient to allow inclusion of such firms in this analysis.

<sup>2</sup> Land receipts reported for SICs 1531 and 6552 in the *Census of Construction Industries* are net of the value of improvements to land made prior to sale. This helps to guard against an overestimate of land utilization.

<sup>3</sup> The "moderately wooded" land cover category was used here at a residue generation rate of 37.5 tons per acre. The implications of other categories are considered in the discussion of results.

<sup>4</sup> The proposed rule also prohibits land clearing burning in area with a population density equal to or greater than 1,000 persons per square mile if contiguous to area where such burning is otherwise prohibited on generally the same time schedule. Available information indicates that such areas are not large. The factors discussed here would have the same effects in such areas.

<sup>5</sup> These counties include Clark, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom and Yakima.

A copy of the statement may be obtained by writing to Bruce Smith, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6889, fax (360) 407-6802, or linking to <http://www.wa.gov/ecology/leg/activity/wac173425.html>.

RCW 34.05.328 applies to this rule adoption. These rules are significant under RCW 34.05.328 because they: (1) Adopt substantive provisions which subject the violator to penalty or sanction; (2) establish, alter or revoke qualification or standard for the issuance, suspension or revocation of a license or permit; and (3) adopt new or make significant amendments to a policy or regulatory program.

Hearing Location: Department of Ecology Auditorium, 300 Desmond Drive, Lacey, WA, on October 7, 1999, at 7:00 p.m.; at the Northwest Air Pollution Authority, Conference Room, 1600 South Second Street, Mount Vernon, WA, on October 12, 1999, at 7:00 p.m.; and at the Big Bend Community College Auditorium, 7662 Chanute Street, Moses Lake, WA, on October 13, 1999, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Judy Beitel by September 22, 1999, TDD (360) 407-6006, or (360) 407-6878 (voice).

Submit Written Comments to: Bruce Smith, P.O. Box 47600, Olympia, WA 98504-7600, e-mail brsm461@ecy.wa.gov, fax (360) 407-6802, by October 15, 1999.

Date of Intended Adoption: December 1, 1999.

August 31, 1999

Daniel J. Silver

Deputy Director

## Chapter 173-425 WAC

### ((OPEN)) OUTDOOR BURNING

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-010 Purpose. ~~((This chapter promulgated under chapter 70.94 RCW, the Washington Clean Air Act, authorizes the department of ecology to implement the provisions of that act. This rule establishes controls for open burning in the state in order to:~~

~~(1) Reduce open burning to the greatest extent practical by eliminating it in:~~

~~(a) Areas that exceed ambient air quality standards for PM-10 and/or carbon monoxide; and~~

~~(b) Urban growth areas or cities with a population of 10,000 or more by December 31, 2000;~~

~~(2) For areas where open burning is allowed, establish a limited burning program, including procedures by which open burning may be conducted;~~

~~(3) Encourage the development and use of alternate methods of debris disposal.)~~ The purpose of this rule is to establish a program to implement the limited burning policy authorized by sections 743 through 765 of the Washington Clean Air Act (chapter 70.94 RCW) and other provisions of the act that pertain to outdoor burning (except any outdoor burning listed in WAC 173-425-020(1)). Statutory authority for particular provisions of the rule is shown in parentheses throughout the rule.

The limited burning policy requires ecology and other agencies to:

(1) Reduce outdoor burning to the greatest extent practical, especially by prohibiting it in certain circumstances; (RCW 70.94.743(1))

(2) Establish a permit program for limited burning, one that requires permits for most types of outdoor burning; and (RCW 70.94.745)

(3) Foster and encourage development of reasonable alternatives to burning. (RCW 70.94.745(6))

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-020 Applicability. ~~((1) No outdoor burning shall occur during a declared period of impaired air quality.~~

~~(2) Except as described in subsection (1) of this section and WAC 173-425-050, this chapter applies to all forms of outdoor burning in the state except:~~



~~(a) Silvicultural burning (governed by chapter 332-24 WAC).~~

~~(b) Agricultural burning (governed by chapter 173-430 WAC).~~

~~(c) Recreational fires as defined in WAC 173-425-030(12).~~

~~(d) Ceremonial fires as defined in WAC 173-425-030(2).~~

~~(e) Burning to improve and maintain fire dependent ecosystems (pursuant to chapter 332-24 WAC).~~

~~(3) A local air authority, fire protection authority, county, or conservation district may enforce its own controls that are stricter than those set forth in this chapter.)) (1) This chapter applies to all outdoor burning in the state except:~~

~~(a) Agricultural burning (which is governed by chapter 173-430 WAC);~~

~~(b) Silvicultural burning (which is governed by chapter 332-24 WAC, the Washington state smoke management plan, and various laws including chapter 70.94 RCW); and~~

~~(c) Any outdoor burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreement).~~

~~(2) Specifically, this chapter applies to:~~

~~(a) Residential burning. (RCW 70.94.745)~~

~~(b) Land clearing burning. (RCW 70.94.745)~~

~~(c) Storm or flood debris burning. (RCW 70.94.743)~~

~~(d) Tumbleweed burning. (RCW 70.94.745)~~

~~(e) Weed abatement fires. (RCW 70.94.650)~~

~~(f) Fire fighting instruction fires. (RCW 70.94.650)~~

~~(g) Rare and endangered plant regeneration fires. (RCW 70.94.651)~~

~~(h) Indian ceremonial fires. (RCW 70.94.651)~~

~~(i) Recreational fires. (RCW 70.94.765)~~

~~(j) Other outdoor burning. (RCW 70.94.765)~~

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

**WAC 173-425-030 Definitions.** The definitions of terms contained in chapter 173-400 WAC are incorporated by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings:

~~(1) ((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:~~

~~(2) "Ceremonial fire" means a fire associated with a Native American ceremony or ritual.~~

~~(3) "Department") "Agricultural burning" means outdoor burning regulated under chapter 173-430 WAC, including, but not limited to, any incidental agricultural burning or agricultural burning for pest or disease control.~~

~~(2) "Air pollution episode" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chapter 173-435 WAC.~~

~~(3) "Construction/demolition debris" means all material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.~~

~~(4) "Ecology" means department of ecology.~~

~~((4) "Episode" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chapter 173-435 WAC.~~

~~(5) "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 an accumulation of air contamination concurrent with:~~

~~(i) Particulate that is ten-micron and smaller in diameter (PM-10) at or above an ambient level of seventy-five micrograms per cubic meter measured on a twenty-four-hour average; or~~

~~(ii) 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.~~

~~(6)) (5) "Fire fighting instruction fires" means fires for instruction in methods of fire fighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires.~~

~~(6) "Firewood" means bare untreated wood used as fuel in a solid fuel burning device, Indian ceremonial fire, or recreational fire.~~

~~(7) "Impaired air quality" means a first or second stage impaired air quality condition declared by ecology or a local air authority in accordance with WAC 173-433-140.~~

~~(8) "Indian ceremonial fires" means fires necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.~~

~~(9) "Land clearing burning" means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused). (RCW 70.94.750(2))~~

~~(10) "Local air authority" means an air pollution control authority activated ((pursuant to)) under chapter 70.94 RCW that has jurisdiction over the subject source.~~

~~((7) "Nonattainment area" means a clearly delineated geographic area which has been designated by the Environmental Protection Agency 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.~~

~~(8) "Nuisance" means an emission of smoke or other emissions from any open fire that unreasonably interferes with the use and enjoyment of the property deposited on.~~

~~(9) "Open burning" means all forms of outdoor burning except those listed as exempt in WAC 173-425-020.~~

~~(10)) (11) "Natural vegetation" means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.~~

(12) "Nonattainment area" means a clearly delineated geographic area which has been designated by the Environmental Protection Agency because it does not meet (or it contributes to ambient air quality in a nearby area that does not meet) a national ambient air quality standard or standards for one or more of the criteria pollutants, which include carbon monoxide, particulate matter (PM-10 and PM2.5), sulfur dioxide, nitrogen dioxide, lead, and ozone.

(13) "Nonurban areas" means unincorporated areas within a county that are not designated as an urban growth area. (RCW 70.94.745(8))

(14) "Nuisance" means an emission of smoke or any other air contaminant that unreasonably interferes with the use and enjoyment of the property upon which it is deposited. (RCW 70.94.030(2))

(15) "Other outdoor burning" means any type of outdoor burning not specified in WAC 173-425-020 (1) or (2)(a) through (i), including, but not limited to, any outdoor burning necessary to protect public health and safety. (RCW 70.94.650(7) and 70.94.765)

(16) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this rule, "outdoor burning" means all types of outdoor burning except agricultural burning and silvicultural burning. (RCW 70.94.743(2))

~~((1) "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.~~

~~(12) "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.~~

~~(13) "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.~~

~~(14) "Urban growth area" means an area defined by RCW 36.70A.030.) (17) "Permitting agency" means the agency responsible for issuing permits (including adopting a general permit) for, and/or enforcing all requirements of this chapter that apply to, a particular type of burning in a given area (unless another agency agrees to be responsible for certain enforcement activities in accordance with WAC 173-425-060 (1)(a) and (6)).~~

(18) "Pollutants emitted by outdoor burning" means carbon monoxide, carbon dioxide, particulate matter, sulfur dioxide, nitrogen oxides, lead, and various volatile organic compounds and toxic substances.

(19) "Rare and endangered plant regeneration fires" means fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in chapter 79.70 RCW.

(20) "Reasonable alternative" means a method for disposing of organic refuse (such as natural vegetation) that is

available, reasonably economical, and less harmful to the environment than burning.

(21) "Recreational fire" means cooking fires, campfires, and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or ceremonial purposes. Fires used for debris disposal purposes are not considered recreational fires.

(22) "Residential burning" means the outdoor burning 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. (RCW 70.94.750(1))

(23) "Silvicultural burning" means outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

(a) Abating a forest fire hazard;

(b) Prevention of a forest fire hazard;

(c) Instruction of public officials in methods of forest fire fighting;

(d) Any silvicultural operation to improve the forest lands of the state; and

(e) 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. (RCW 70.94.660(1))

(24) "Storm or flood debris burning" means the outdoor burning of natural vegetation from storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government.

(25) "Tumbleweed burning" means outdoor burning to dispose of dry plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.

(26) "Urban growth area" means land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

(27) "Weed abatement fires" means any outdoor burning to dispose of weeds that is not regulated under chapter 173-430 WAC, which applies to agricultural burning.

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-040 ((~~Prohibited materials.~~) **Areas where certain types of outdoor burning are prohibited.**

~~((1) Except as provided in WAC 173-425-020(2), the following materials shall not be burned in any outdoor fire: Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke, or odors.~~

~~(2) Prohibited materials may be burned in certain circumstances:~~

~~(a) Diseased animals and infested material. When ordered by a duly authorized health officer and authorized by~~

~~the department or local air authority, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.~~

~~(b) Dangerous material. When ordered by a fire protection authority and when authorized by the department or local air authority, fires to dispose of materials presenting a danger to life, property, or public welfare may be burned, if no approved practical alternate method of disposal is available.)~~

~~(1) **Nonattainment areas.** Residential burning and land clearing burning may not be allowed in any areas of the state that exceed federal or state ambient air quality standards for pollutants emitted by outdoor burning. These areas are limited to all current and former nonattainment areas for carbon monoxide, particulate matter (PM-10 and PM2.5), sulfur dioxide, nitrogen dioxide, and lead. However, ecology may, in cooperation with any local air authority having jurisdiction, authorize the omission of parts of a nonattainment area if ambient air quality standards for the pollutants that caused the area to be designated nonattainment have not been exceeded in those parts, and outdoor burning in those parts has not contributed, and is not expected to contribute, significantly to exceedances of the standards in the nonattainment area. (RCW 70.94.743 (1)(a))~~

~~(2) **Urban growth areas.** Residential burning and land clearing burning may not be allowed in any urban growth areas after December 31, 2000, except as follows: Residential burning and land clearing burning may be allowed in the following types of urban growth areas until December 31, 2006: (RCW 70.94.743 (1)(b))~~

~~(a) Urban growth areas for incorporated cities having a population of less than five thousand people that are neither within nor contiguous with any area identified in subsection (1) of this section; and~~

~~(b) Urban growth areas that do not include an incorporated city.~~

~~(3) **Cities over 10,000.** Residential burning and land clearing burning may not be allowed in any cities having a population greater than ten thousand people after December~~

31, 2000. Cities having this population must be identified by using the most current population estimates available for each city. (RCW 70.94.743 (1)(b))

(4) **High density areas.** Land clearing burning may not be allowed in any area having a general population density of one thousand or more persons per square mile after December 31, 2000, if the area is contiguous with any area where land clearing burning has already been, or must be, prohibited by that date under subsection (1), (2), or (3) of this section, and it may not be allowed in any other areas having this density after December 31, 2006. All areas having this density must be identified by using the most current population data available for each census block group and dividing by the land area of the block group in square miles. (RCW 70.94.750(2))

(5) **Areas with a reasonable alternative to burning.** Residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, and other outdoor burning of organic refuse may not be allowed in any area of the state (including any areas or parts of areas identified in subsections (1) through (4) of this section) when a reasonable alternative to burning is found to exist in the area for that type of burning. (RCW 70.94.745(6))

By December 31, 2000, and at least every third year after that, each local air authority, and ecology in cooperation with counties, must determine whether any areas within their jurisdiction where a type of burning listed in this subsection is allowed (except other outdoor burning of organic refuse) have a reasonable alternative to burning. Determinations for other outdoor burning of organic refuse must be made on a permit-by-permit basis by applying the criteria in (a) and (b) of this subsection. A reasonable alternative exists for any area where the answers to both of the following questions are "Yes" for the specified type of burning: Provided, That parts of an area may be excluded for the purpose of defining practical boundaries for the area.

Yes No

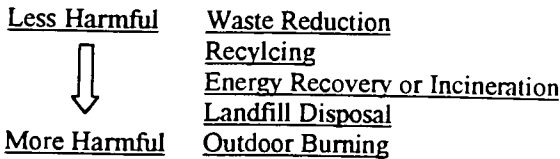
(a) **Available and reasonably economical.** Is the area served by:

(i) A county or municipally-sponsored recycling service for pick-up and composting of the organic refuse (e.g. natural vegetation); or

(ii) Any other alternative method for disposal of the organic refuse (such as a public or private chipping or chipper rental service, an energy recovery or incineration facility, or a solid waste drop box, transfer station, or landfill) that will accept the type and volume of organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of solid waste?

(b) **Less harmful to the environment.** Is any available and reasonably economical alternative method for disposing of the organic refuse less harmful to the environment than outdoor burning according to the following hierarchy?:

PROPOSED



AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

**WAC 173-425-050** (~~Curtailed during episodes or impaired air quality.~~) **Other prohibitions/requirements that apply to all outdoor burning.** (~~(1) No outdoor fire shall be ignited:~~

~~(a) Whenever the department declares an air pollution episode for the geographical area pursuant to chapter 173-435-WAC; or~~

~~(b) Whenever the department or a local air authority declares impaired air quality for the geographical area.~~

~~(2) A person responsible for an outdoor fire at the time an episode or impaired air quality is declared shall extinguish that fire. Outdoor burning conducted under the auspices of the department of natural resources for the purpose of burning forest slash pursuant to RCW 70.94.660 through 70.94.670 shall be extinguished by withholding new fuel and allowing the fire to burn down.~~

~~(3) Smoke visible from all types of outdoor burning, except silvicultural burning, after a time period of three hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.~~

~~(4) For department of natural resource silvicultural burning, smoke visible from outdoor burning after a time period of ten hours has elapsed from the time of declaration of the episode or impaired air quality shall constitute prima facie evidence of unlawful outdoor burning.)~~ **No person may cause or allow an outdoor fire in an area where the type of burning involved is prohibited under WAC 173-425-040, or where it requires a permit under WAC 173-425-060(2), unless a permit has been issued and is in effect. In addition, the following general requirements apply to all outdoor burning regulated by this chapter, including any outdoor burning allowed without a permit under WAC 173-425-060(2), unless a specific exception is stated in this section:**

**(1) Prohibited materials.** The following materials may not be burned in any outdoor fire: Garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned, except that: (RCW 70.94.775(1) and Attorney General Opinion 1993 #17)

**(a) Fire fighting instruction fires for aircraft crash rescue training fires approved and conducted in compliance with**

RCW 70.94.650(5) may contain uncontaminated petroleum products. (RCW 70.94.650(6))

(b) Ecology or a local air authority may allow the limited burning of prohibited materials for other fire fighting instruction fires, including those that are exempt from permits under WAC 173-425-060 (2)(f), and other outdoor burning necessary to protect public health and safety. (RCW 70.94.650(7))

**(2) Hauled material.** No outdoor fire may contain material (other than firewood) that has been hauled from an area where outdoor burning of the material is prohibited under WAC 173-425-040. Any outdoor burning of material hauled from areas where outdoor burning of the material is allowed requires an appropriate permit under WAC 173-425-060(2), and any use of property for this purpose on an on-going basis, must be limited to the types of burning listed in WAC 173-351-200 (5)(b) (criteria for municipal solid waste landfills) and approved in accordance with other laws, including chapter 173-304 WAC (Minimum functional standards for solid waste handling) and chapter 173-400 WAC (General regulations for air pollution sources). (RCW 70.94.745(6))

**(3) Curtailments.**

(a) No outdoor fire may be ignited in a geographical area where:

(i) Ecology has declared an air pollution episode; (RCW 70.94.775(2) and 70.94.780)

(ii) Ecology or a local air authority has declared impaired air quality; or (RCW 70.94.775(2) and 70.94.780)

(iii) The appropriate fire protection authority has declared a fire danger burn ban, unless that authority grants an exception.

(b) The person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day.

(c) The person responsible for an outdoor fire must extinguish the fire when an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared. In this regard:

(i) Smoke visible from all types of outdoor burning, except land clearing burning, after a time period of three hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

(ii) Smoke visible from land clearing burning after a time period of eight hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

**(4) Unlawful outdoor burning:** It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance. (RCW 70.94.040, 70.94.650(1), and 70.94.780)

(a) Any person affected by outdoor burning may file a complaint with the permitting agency or other designated enforcing agency.

PROPOSED

(b) Any agency responding to an outdoor burning complaint should attempt to determine if the burning on any particular property is unlawful. This may include, but is not limited to, considering whether the burning has caused an emission of smoke or any other air contaminant in sufficient quantity to be unlawful.

(c) Any person responsible for such unlawful outdoor burning must immediately extinguish the fire.

(5) Burning in outdoor containers. Outdoor containers (such as burn barrels and other incinerators not regulated under WAC 173-400-070(1)) used for outdoor burning, must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch, and they may only be used in compliance with this chapter.

**(6) Other general requirements:**

(a) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(b) No fires are to be within fifty feet of structures.

(c) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

**AMENDATORY SECTION** (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

**WAC 173-425-060 ((Open burning program for the state.)) Outdoor burning permit program/requirements.**  
**(((1) General requirements:**

(a) All burning requires a permit as covered in WAC 173-425-070.

(b) Permits shall not be issued, and thus open burning is not allowed, in areas where reasonable alternatives are available. Within ninety days of the effective date, the department shall develop uniform procedures for determining costs of alternatives to open burning.

(c) A fire protection authority may declare a fire hazard in areas where burning is banned and in areas where burning is allowed. If open burning is determined the most appropriate manner to abate the fire hazard, the request must be reviewed and permitted by the local air authority. Permits issued under this section shall provide that:

(i) Prohibited material shall not be burned in any fire;

(ii) No open burning shall be done during a declared period of impaired air quality;

(iii) No reasonable alternative is available.

(d) No open burning shall be allowed in areas that exceed federal or state ambient air quality standards. Such areas shall be defined as carbon monoxide and/or PM-10 nonattainment area, unless otherwise determined pursuant to subsection (2)(a) of this section.

(2) Additional requirements for nonattainment areas:

(a) Phase-out approach. A local air authority may petition the department to use a phase-out approach in portions of a federally designated nonattainment area for carbon monoxide and/or PM-10. The phase-out approach will focus on how

to achieve the Washington Clean Air Act goals and eliminate burning in areas that exceed the standards. The department will review and determine if the petition should be approved. The department may partially approve petitions or approve petitions with conditions based on consideration of the following factors:

(i) Population and population density.

(ii) The ability of the air quality in the region to support open burning based upon geographical and meteorological conditions.

(iii) The presence of a permitting program.

(iv) The extent to which reasonable alternatives to open burning are being developed through solid waste management plans and the schedule for the availability of such reasonable alternatives.

(v) Other factors deemed appropriate by the local air authorities.

(b) Petition evaluation. The petition to use a phase-out approach is due to the department no later than one month after the effective date of this rule. A ban is not effective in areas identified in the petition until after the department makes a ruling on the petition. Upon receiving the petition, the department shall review and make a determination within thirty days. For all federally designated nonattainment areas, open burning shall be banned by the applicable attainment date.

(c) Permits. The department or local air authority may issue permits in banned areas for the following activities:

(i) Fire-fighting instruction. Local air authorities or the department may issue permits for fire training fires, pursuant to guidelines and rules of the department of ecology.

(ii) Specific forms. The department or the local air authorities may permit, with conditions, fires set that are part of a defined research project, weed abatement, and smoke training as part of a military training exercise.

(d) Responding to open burning calls. Each affected county shall identify a fire marshal or other appropriate county official for field response and to document open burning complaints or violations using appropriate field notices. In areas where the county has no jurisdiction, the department or the local air authorities will negotiate with the appropriate local agency on field response.

(3) Additional requirements for urban growth areas and cities with a population of ten thousand or more.

(a) Open burning will be banned when reasonable alternatives are available, no later than the end of the year 2,000.

(b) Until open burning is banned, it is allowed subject to the permitting provisions of this chapter.

(c) When open burning is banned, the provisions in subsection (2) of this section apply.)) (1) **Permit program.**

(a) Ecology or local air authorities may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for particular types of burning in an area of the state. Ecology or local air authorities may enter into agreements with any capable agencies to identify the permitting agencies and enforcing agencies for each type of burning and determine the type of

permit appropriate for each area where a permit is required. (RCW 70.94.654)

(b) Permitting agencies may use, as appropriate, a verbal, electronic, written, or general permit established by rule, for any type of burning that requires a permit: Provided, That a written permit should be used, where feasible, for land clearing burning, storm or flood debris burning in areas where residential burning and land clearing burning are prohibited under WAC 173-425-040 (1), (2), or (3), and other outdoor burning (except any other outdoor burning necessary to protect public health and safety). (RCW 70.94.745(4))

(c) The rule for a general permit must establish periods of time when any burning under the permit must occur. General permits must also include all appropriate conditions for burning as stated in subsection (4) of this section.

(2) Types of burning that require a permit. Except as otherwise stated, a permit is required for the following types of outdoor burning in all areas of the state under the jurisdiction of this chapter:

(a) Residential burning (except in the nonurban areas of any county with an unincorporated population of less than fifty thousand; (RCW 70.94.745(2))

(b) Land clearing burning; (RCW 70.94.745(2))

(c) Storm or flood debris burning; (RCW 70.94.743(1)(c))

(d) Tumbleweed burning (except in counties with a population of less than two hundred fifty thousand); (RCW 70.94.745(5))

(e) Weed abatement fires; (RCW 70.94.650 (1)(a))

(f) Fire fighting instruction fires for training to fight structural fires in urban growth areas and cities with a population over ten thousand, and all other fire fighting instruction fires, except fire fighting instruction fires for training to fight structural fires as provided in RCW 52.12.150, aircraft crash rescue fires as provided in RCW 70.94.650(5), and forest fires; (RCW 70.94.650 (1)(b))

(g) Rare and endangered plant regeneration fires; (RCW 70.94.651(1))

(h) Indian ceremonial fires (except on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement); (RCW 70.94.651(2))

(i) Recreational fires with a total fuel area that is greater than three feet in diameter and/or two feet in height (except in the nonurban areas of counties with an unincorporated population of less than fifty thousand; and (RCW 70.94.765)

(j) Other outdoor burning (if specifically authorized by the local air authority or ecology). (RCW 70.94.765)

(3) Fees. Permitting agencies may charge a fee for any permit issued under the authority of this chapter: Provided, That a fee must be charged for all permits issued for weed abatement fires and fire fighting instruction fires. All fees must be set by rule and must not exceed the level necessary to recover the costs of administering and enforcing the permit program. (RCW 70.94.650(2) and 70.94.780)

(4) Permit decisions. Permitting agencies must approve with conditions, or deny outdoor burning permits as needed to achieve compliance with this chapter. All permits must include conditions to satisfy the requirements in WAC 173-425-050, and they may require other conditions, such as

restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions. Permitting agencies may also include conditions to comply with other laws pertaining to outdoor burning. (RCW 70.94.745, 70.94.750, and 70.94.780)

(5) Establishment of a general permit and requirements for residential burning.

(a) A general permit for residential burning is hereby adopted for use in any area where ecology (or a local air authority that has adopted this general permit by reference) and any designated enforcing agencies have agreed that a general permit is appropriate for residential burning, and have notified the public where the permit applies. All burning under this permit must comply with the conditions in (c) of this subsection, and it must be restricted to the first and second weekends (Saturday and Sunday) in April and the third and fourth weekends in October, unless alternative days are substituted by the enforcing agency and adequate notice of the substitution is provided to the public. Alternative days may only be substituted if conditions on the prescribed days are unsuitable due to such things as poor air quality, high fire danger, unfavorable meteorology, likely interference with a major community event, or difficulties for enforcement. (RCW 70.94.745(4))

(b) Local air authorities may also adopt a general permit for residential burning that prescribes a different set of days, not to exceed eight days per year, when any burning under the permit must occur: Provided, That the public must be given adequate notice regarding where and when the permit will apply. (RCW 70.94.745(4))

(c) The following conditions apply to all residential burning allowed without a permit under WAC 173-425-060 (2)(a) or allowed under a general, verbal, or electronic permit:

(i) The person responsible for the fire must contact the permitting agency and/or any other designated source for information on the burning conditions for each day.

(ii) A fire may not be ignited, and must be extinguished, if an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared for the area.

(iii) The fire must not include garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction/demolition debris, metal, or any substance (other than natural vegetation) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned.

(iv) The fire must not include materials hauled from another property.

(v) If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, the fire must be extinguished immediately.

(vi) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(vii) No fires are to be within fifty feet of structures.

(viii) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire.

(ix) Any burn pile must not be larger than four feet by four feet by three feet.

(x) Only one pile at a time may be burned, and each pile must be extinguished before lighting another.

(xi) If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch.

(xii) No fire is permitted within five hundred feet of forest slash.

Persons not able to meet these requirements or the requirements in WAC 173-425-050 must apply for and receive a written permit before burning. Failure to comply with all requirements of this subsection voids any applicable permit, and the person responsible for burning may be subject to enforcement action under subsection (6) of this section.

(6) Field response and enforcement. Any agency that issues permits, or adopts a general permit for any type of burning in an area, is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements of this chapter related to that type of burning in the area, unless another agency has agreed under WAC 173-425-060 (1)(a) to be responsible for certain field response or enforcement activities. Except for enforcing WAC 173-425-050 (3)(a)(iii), local air authorities and ecology may also perform these activities. Local air authorities or ecology will also be responsible for enforcing any requirements that apply to burning that is prohibited or exempt from permits in areas under their jurisdiction, unless another agency agrees to be responsible.

Permitting agencies and enforcing agencies may require that corrective action be taken, and may assess penalties to the extent allowed under their general and specific authorities if they discover noncompliance with this chapter. A fire protection authority called to respond to, control, or extinguish an illegal or out-of-control fire may charge, and recover from the person responsible for the fire, the costs of its response and control action.

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

WAC 173-425-070 ((Open burning permit requirements)) Variances. ((1) Permit program. For areas where burning is allowed, the department, local air authorities, fire protection authorities, conservation districts, or counties may issue permits. Those issuing permits are responsible for field response to open burning complaints. Within ninety days of the effective date, the department shall develop minimum standards for a field response program, which addresses training, staffing, funding, and any other elements deemed appropriate by the department.

(2) Permit program development and assistance.

~~(a) The department shall provide assistance for implementing a permitting program, including minimum standards which address training, staffing, funding, and any other elements deemed appropriate by the department.~~

~~(b) The department shall develop a model permit program and provide guidance on starting and implementing permit programs.~~

~~(c) In selecting a permit program, the options range from the minimum — a general rule burn, as described in subsection (5) of this section — to a written permit. A permit program must be in place eight months after the department issues guidelines. If at that time no agreement is reached, the area becomes a no-burn area and falls under the restrictions of WAC 173-425-060(2). The department will conduct a joint public hearing with the conservation districts, local air authorities, counties, and fire districts. The purpose of the hearing is to inform the public that no agreement has been reached.~~

~~(d) The department or the local air authorities shall coordinate with the agencies listed in subsection (1) of this section to determine the type of permitting program appropriate for the area.~~

~~(3) Fees.~~ The department or the local air authority may charge a fee to cover the administrative cost of a permit program. Fire districts, counties, and conservation districts issuing open burning permits may collect a fee to cover administrative costs. (RCW 70.94.780)

~~(4) Additional restrictions.~~ The local air authorities and the department may restrict conditions for burning under this section. Burning conditions may include, but are not limited to, restricting burning in sensitive areas per chapter 173-440 WAC, restricting the time period for burning, restricting permissible hours of burning, imposing requirements for good combustion practice, and restricting burning to specified weather conditions.

~~(5) General rule burn permits.~~ For areas of the state where burning is allowed, agencies listed in subsection (1) of this section may use a general permit by rule. This section provides a minimum (general rule burn) permit. Persons not able to meet all of the requirements of (a) through (i) of this subsection must apply for and receive a written permit. General rule burn permits under this section may be used for the following number of days per year: 1992-1995 — twenty-one days/year; 1995-1998 — fourteen days/year; 1998-2000 — seven days/year; after 2000 — seven days/year. Failure to comply with all the requirements of (a) through (i) of this subsection voids the general rule burn permit and the person burning is subject to the penalty provisions of WAC 173-425-100. A person burning under this section must follow these requirements and any additional restrictions, including those established by cities, counties, or fire protection authorities:

~~(a) The fire must not include prohibited materials listed in WAC 173-425-040, except what paper is necessary to start the fire.~~

~~(b) A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before leaving it.~~

~~(c) No fires are to be within fifty feet of structures.~~

~~(d) The pile must not be larger than four feet by four feet by three feet.~~

**WSR 99-18-103**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 (Business and Professions Division)  
 [Filed September 1, 1999, 10:05 a.m.]

**PROPOSED**

~~(e) Only one pile at a time may be burned, and each pile must be extinguished before lighting another.~~

~~(f) No outdoor fire is permitted in or within five hundred feet of forest slash without a written burning permit.~~

~~(g) Either the designated permitting authority must be called to confirm burning conditions for each day or current information on burning conditions must be obtained from another designated source.~~

~~(h) If the fire creates a nuisance, it must be extinguished.~~

~~(i) Permission from a landowner, or owner's designated representative, must be obtained before starting an open fire.) Any person who proposes to engage in outdoor burning may apply to ecology or a local air authority for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants from the proposed burning. All variance applications must be reviewed, and approved or disapproved, in accordance with RCW 70.94.181. (RCW 70.94.181)~~

AMENDATORY SECTION (Amending Order 91-57, filed 12/1/92, effective 1/1/93)

~~WAC 173-425-080 ((Violations.)) Severability. ((+)) The local air authority or department may issue a notice of violation to the person responsible for the fire under any of the following:~~

~~(a) Conditions of a permit issued under this chapter are violated;~~

~~(b) Any open fire is ignited where, under this chapter, such fires are prohibited or where a permit is required and has not been obtained;~~

~~(c) Prohibited materials are burned in an open fire;~~

~~(d) Any open fire is ignited when a condition of impaired air quality or air pollution episode stage is declared;~~

~~(e) Any ignited open fire that is not extinguished when a condition of impaired air quality or air pollution episode is declared;~~

~~(f) The fire causes emissions detrimental to health;~~

~~(g) The fire causes emissions that unreasonably interfere with property use and enjoyment.~~

~~(2) A fire protection authority called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the person responsible for the fire the costs of its response and control action.) The provisions of this regulation are severable. If any provision is held invalid, the application of that provision to other circumstances and the remainder of the regulation will not be affected.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 173-425-090      Local air authority may issue variance.
- WAC 173-425-100    Penalties.
- WAC 173-425-110    Severability.

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-14-083.

Title of Rule: WAC 308-13-045 Initial license, 308-13-150, Landscape architect fees, and 308-13-160 Renewal of license.

Purpose: WAC 308-13-045, to set requirements for licensure, including payment of current license fee, expiration of license, renewal and process for notification. (Two-year renewal effective July 1, 2000); WAC 308-13-150, to adjust registration and examination fees, those examination fees to be collected and passed on to the examination vendor (registration fees effective July 1, 2000; examination fees effective November 8, 1999); and WAC 308-13-160, to set renewal period from three years to two years, effective July 1, 2000.

Statutory Authority for Adoption: RCW 18.96.060, 43.24.086.

Statute Being Implemented: RCW 43.24.086.

Summary: The fees charged by the agency for administering examinations are set at a level to support operation of the program. The changes in registration fees are a result of changing to a two-year renewal period (from three years). Charges for the exam vendor have increase examination and exam reviews, and these fees are passed on to the applicant to defray the costs of administering the program.

Reasons Supporting Proposal: Increased costs to the landscape architect program must be supported by fees assessed to examination applicants.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Margaret Epting, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1386.

Name of Proponent: Department of Licensing and Washington State Board of Registration for Landscape Architects, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-13-045 sets requirements for licensure, including payment of current license fee, expiration of license, renewal and process for notification. The anticipated effects of outlining the requirements is to inform interested parties of the change to a two-year renewal period, provide timely customer service, reduce telephone inquiries, and reduce delays in administration (two year renewal effective July 1, 2000).

WAC 308-13-150 lists the services for which fees are charged for registration and examination, and the respective amount for each of those services. The purpose of all listed fees is to recover the cost of administering the program. Registration fees will change as result of changing to a two-year renewal cycle on July 1, 2000. The examination vendor has increased examination fees, and these increases are passed on



to the applicants for examination. Examination fees will be effective November 8, 1999.

WAC 308-13-160 describes the license renewal process, including the expiration date. The renewal period changes from three years to two years, effective July 1, 2000, to provide more accurate revenue projections and monitor revenues more efficiently.

Proposal Changes the Following Existing Rules: The existing version of these sections lists renewal frequency and fees in amounts that support administering the landscape architect program as it was funded in the 97-99 biennium budget. The 99-01 biennium budget requires minor adjustments to reflect changing from a three-year to two-year renewal cycle, to keep the program financially solvent by funding the additional examination fees charged by the examination vendor, and to meet the requirements to fully support the program with assessed revenue.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Each fee that was increased was within the limits of RCW 43.135.055. No fee increase exceeded fifty dollars to individuals or businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Licensing is exempt from RCW 34.05.328(5).

Hearing Location: Conference Room #1, Business and Professions Division, 405 Black Lake Boulevard, Olympia, WA 98502, on October 6, 1999, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Joan Robinson by September 24, 1999, TDD (360) 664-1387, or (360) 664-2551.

Submit Written Comments to: Margaret Epting, Board of Registration for Landscape Architects, P.O. Box 9045, Olympia, WA 98507-9045, fax (360) 664-2551, by October 1, 1999.

Date of Intended Adoption: November 8, 1999.

September 1, 1999  
Margaret Epting  
Administrator

AMENDATORY SECTION (Amending WSR 97-06-065, filed 2/27/97, effective 3/30/97)

**WAC 308-13-045** ~~((How and when do I receive my))~~

**Initial license**~~((?)), ((1-You))~~ The applicant will be notified by mail ~~((once you have completed the examination and met))~~ upon meeting all the requirements for initial ~~((registration))~~ licensure. ~~((You may apply for your license up to three months prior to your birthdate and pay the fee for up to a thirty-nine month license. Your))~~ The applicant must submit the current license fee. The license will expire on ((your)) the applicant's birthdate((-Subsequent licenses)), and will be issued for ((three)) two years.

~~((2-You may also activate an inactive license for up to thirty-nine months. Subsequent licenses will be issued for three years:))~~

AMENDATORY SECTION (Amending WSR 96-11-132, filed 5/22/96, effective 6/22/96)

**WAC 308-13-150 Landscape architect fees.** The following fees ~~((shall be charged by the business and professions division of the department of licensing))~~ will be collected from the candidates for examination, effective July 1, 2000:

Title of Fee	Fee
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal <del>((3))</del> <u>2</u> years)	<del>((450.00))</del> <u>300.00</u>
Late renewal penalty	<del>((150.00))</del> <u>100.00</u>
Duplicate license	25.00
Initial registration <del>((3))</del> <u>2</u> years)	<del>((450.00))</del> <u>300.00</u>
Reciprocity application fee	200.00
Certification	45.00
Replacement certificate	20.00

~~((The following charges shall be))~~ Those fees collected from ((examination candidates for examinations ordered from CLARB on their behalf. The charges recovered by the department shall be refunded)) candidates shall be paid to CLARB for the costs of ((tests and shipping charges for)) the examinations, effective November 8, 1999.

**Examination and Sections** **Charges**

Entire examination	<del>\$(550.00))</del> <u>570.00</u>
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Examination sections:	
Section <del>((1))</del> <u>A</u> : Legal and administrative aspects of practice	40.00
Section <del>((2))</del> <u>B</u> : Analytical <del>((and technical))</del> aspects of practice	<del>((70.00))</del> <u>80.00</u>
Section <del>((3))</del> <u>C</u> : <del>((Conceptualization and communication))</del> <u>Planning and site design</u>	<del>((110.00))</del> <u>160.00</u>
Section <del>((4))</del> <u>D</u> : <del>((Design synthesis))</del> <u>Structural considerations and materials and methods of construction</u>	<del>((110.00))</del> <u>130.00</u>
Section <del>((5))</del> <u>E</u> : <del>((Integration of technical and design requirements))</del> <u>Grading, drainage and stormwater management</u>	<del>((110.00))</del> <u>160.00</u>
<del>((Section 6: Grading and drainage</del>	<del>110.00))</del>

PROPOSED

AMENDATORY SECTION (Amending WSR 97-06-065, filed 2/27/97, effective 3/30/97)

**WAC 308-13-160** (~~(How do I renew my license and when will it expire?)~~) **Renewal of license.** (1) A courtesy renewal notice is mailed to (~~(your current)~~) the address on file, approximately eight weeks prior to (~~(your)~~) the license expiration date. The notice will show the due date, the amount of renewal fee, the penalty fee for late payment and other mailing instructions. (~~(It is essential that you notify)~~) The board of registration for landscape architects must be notified in writing of any address changes.

(2) (~~(Your)~~) The renewed landscape architect license is issued for a (~~(three)~~) two-year period that expires on (~~(your)~~) the licensee's birthdate.

## WSR 99-18-105

### PROPOSED RULES

#### DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed September 1, 1999, 10:31 a.m.]

Supplemental Notice to WSR 99-04-054.

Preproposal statement of inquiry was filed as WSR 98-11-018.

**Title of Rule:** Long-term care ombudsman program. The rules are consistent with applicable changes in federal and state statutes. The rules replace chapter 388-18 WAC, the current governing rules under the administrative jurisdiction of the state's Department of Social and Health Services.

**Purpose:** The rules will allow the long-term care ombudsman program to exercise all of the authority granted to it in the reauthorized Older Americans Act, and provide, per legislative directive, that the Department of Community, Trade and Economic Development (CTED) contract with a private nonprofit agency to run the program.

**Statutory Authority for Adoption:** RCW 43.190.030, as amended.

**Statute Being Implemented:** RCW 43.190.030, as amended.

**Summary:** The rules define contractor, subcontractor and ombudsman qualifications and duties; conflict of interest; access to residents, facilities and records; confidentiality of information and records; protection from interference; and name CTED as the administering agency.

**Reasons Supporting Proposal:** The 1997 legislature gave CTED the authority to adopt program rules; and CTED has determined that these rules will help better implement the state long-term care ombudsman program.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Nancy Hanna, Department of Community, Trade and Economic Development, (360) 586-0436.

**Name of Proponent:** Department of Community, Trade and Economic Development, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule clarifies the roles of CTED and the privatized program, and reflects recent changes in the Older Americans Act. Its purpose is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW. It will provide CTED the framework it needs to administer the program, and will allow for more uniform program implementation throughout the state.

**Proposal Changes the Following Existing Rules:** The rules reflect that the long-term care ombudsman program is no longer administered by DSHS, but is administered by CTED; and that the program is not within DSHS but is managed by a private nonprofit agency through a contract with CTED. The rules expand the scope of the program consistent with recent changes in the Older Americans Act.

No small business economic impact statement has been prepared under chapter 19.85 RCW. CTED has determined that no costs or only minor costs will be imposed on small businesses through the implementation of these rules; therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. CTED is not listed in section 201 as a significant legislative rule agency.

**Hearing Location:** Spokane Falls Community College, 3410 West Fort Wright Drive, Spokane Lounge C, Student Union Building #17, Spokane, on October 6, 1999, at 1:00 p.m.; and at the Department of General Administration Auditorium, Corner of 11th and Columbia, Main Floor, Olympia, Washington, on October 7, 1999, at 6:00 p.m.

**Assistance for Persons with Disabilities:** Contact Nancy Hanna by September 28, 1999, TDD (360) 753-2200 (agency information number), or (360) 586-0436.

**Submit Written Comments to:** Nancy Hanna, Program Manager, nancyh@cted.wa.gov, Long-Term Care Ombudsman Program, Department of Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, fax (360) 586-0489, by October 7, 1999.

**Date of Intended Adoption:** November 30, 1999.

September 1, 1999

Jean L. Ameluxen, Director  
Governmental Relations  
for Kathryn Kreiter  
Acting Director

## Chapter 365-18 WAC

### LONG-TERM CARE OMBUDSMAN PROGRAM DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

#### NEW SECTION

**WAC 365-18-010 Purpose.** The purpose of this chapter is to implement the long-term care ombudsman program as provided for in chapter 43.190 RCW and the Older Americans Act of 1965 (42 U.S.C. § 3001 et seq., as amended). The overall purpose of the ombudsman program is to promote the interests, well-being, and rights of long-term care facility res-

idents. These rules set forth the ombudsman program's authority and duties.

#### NEW SECTION

**WAC 365-18-020 Definitions.** When used in this chapter, unless otherwise required by the context:

(1) "Contractor" means the nonprofit organization established by contract with the department to provide the services of the office of the state long-term care ombudsman program.

(2) "Department" means the department of community, trade, and economic development.

(3) "Immediate family" pertaining to conflicts of interest, means spouse, parents, children and siblings.

(4) "Long-term care facility" or "facility" is as defined in RCW 43.190.020, and includes, but is not limited to, nursing homes, adult family homes, boarding homes, assisted living facilities, facilities that have a portion of their services established for long-term care, long-term care facilities operated by the Washington state department of veterans affairs, and any facility that should be licensed but is not.

(5) "Long-term care services" means services provided to residents and applicants of long-term care facilities including, but not limited to, assessment, placement, case management, and determinations regarding benefits, personal care, and health care, but for purposes of these regulations does not mean care or services provided in the applicant's or resident's home or outside of a long-term care facility. Services are those provided to residents of all ages, and include, but are not limited to, those provided to individuals with disabilities, mental health problems and dementia.

(6) "Ombudsman" means the state long-term care ombudsman, assistant state long-term care ombudsman, regional long-term care ombudsman, regional staff long-term care ombudsman, or certified long-term care volunteer ombudsman.

(7) "Resident" means any individual residing temporarily or permanently in a long-term care facility, and, when concerning complaints about admissions, readmissions, transfers, or discharges, includes applicants and former residents of such facilities.

(8) "State office" means the office of the state long-term care ombudsman.

(9) "Pecuniary interest" for purposes of this chapter means any significant ownership or investment interest.

#### NEW SECTION

**WAC 365-18-030 Contractor, subcontractor, and ombudsman qualifications.** (1) The contractor shall be a nonprofit organization with demonstrated capability to carry out the responsibilities of the state long-term care ombudsman, including, but not limited to, an ability to receive, investigate, and resolve complaints from residents of long-term care facilities state-wide. Subcontractors shall have demonstrated the capability to carry out the responsibilities of their respective contracts. The contractor and subcontractors shall also be free of conflicts of interest, including:

(a) Not be an agency or organization that is responsible for licensing, certifying, or regulating long-term care facilities;

(b) Not be an association, or an affiliate of such an association, of long-term care facilities; and

(c) Have no pecuniary interest in any long-term care facility.

(2) The state long-term care ombudsman and assistant state long-term care ombudsman shall have demonstrated expertise and experience in the fields of long-term care and resident advocacy, and be free of conflicts of interest as defined in WAC 365-18-040.

(3) Ombudsmen shall have demonstrated capability to carry out the responsibilities of their respective offices, and be free of conflicts of interest as defined in WAC 365-18-040.

(4) All prospective ombudsmen shall successfully complete the training program designated by the state office prior to becoming certified and beginning work as ombudsmen. In addition, during the period of their assignment as ombudsmen, all ombudsmen are expected to attend periodic training events designed to increase their knowledge and expertise with regard to long-term care ombudsman issues.

(5) Prior to becoming an ombudsman, all prospective ombudsmen shall, at a minimum, successfully pass a criminal history background check as provided by chapter 43.43 RCW.

(6) Once a person becomes an ombudsman, he or she shall successfully pass a criminal history background check as provided by chapter 43.43 RCW every three years at a minimum.

#### NEW SECTION

**WAC 365-18-040 Conflicts of interest.** (1) All ombudsmen shall be free from conflicts of interests, including:

(a) No ombudsman shall be or have been employed by or participated in the management of any long-term care facility, or have or have had the right to receive remuneration from a long-term care facility, including work as a paid consultant or independent contractor, currently or within the past three years;

(b) No ombudsman or member of his or her immediate family shall have, or have had within the past three years, any pecuniary interest in a long-term care facility or a long-term care service;

(c) No ombudsman shall have a direct involvement in the licensing, certification, or regulation of a long-term care facility or of a long-term care service currently or within the past three years;

(d) No ombudsman shall solicit or be the beneficiary of gifts, money or estate property from residents in any facility in which he or she has served or is serving as ombudsman.

(2) No individual, or immediate family member of such an individual, who is involved in the designation or removal of the state ombudsman, or the designation or revocation of the contractor or subcontractors, or who administers or oversees the contractor's or subcontractor's contract, may be an official or employee of any agency or organization that con-

ducts the licensing, certification, or regulation of long-term care facilities, or that owns, operates, or manages such facilities.

#### NEW SECTION

**WAC 365-18-050 Duties—Department.** The department shall, consistent with federal and state laws:

(1) Establish procedures for designating and contracting with a qualified private, nonprofit organization to provide the state long-term care ombudsman program services, including legal services;

(2) Facilitate the exchange of information among appropriate state agencies and organizations regarding issues relating to the long-term care ombudsman program;

(3) Help the state long-term care ombudsman obtain direct access to the directors and key staff of state governmental entities with responsibilities that impact residents of long-term care facilities;

(4) Provide other assistance to the ombudsman program as the department deems appropriate;

(5) Monitor program activities and the expenditure of state and federal funds under the contract with the state office for appropriate utilization of funds and the fulfillment of state and federal laws; and

(6) Assure, along with the state office, that no ombudsman is subject to a conflict of interest.

#### NEW SECTION

**WAC 365-18-060 Duties—State ombudsman.** The state long-term care ombudsman shall assure performance of the following duties:

(1) Identify, investigate, and resolve complaints made by or on behalf of residents which relate to actions, inactions, or decisions that may adversely affect the health, safety, welfare, or rights of residents, made by:

(a) Providers, or representatives of providers, of long-term care or health care services;

(b) Public agencies;

(c) Health and social service agencies; or

(d) Guardians, representative payees, holders of powers of attorney, or other resident representatives;

(2) In coordination with the appropriate state or local government agencies, develop referral procedures for all long-term care ombudsmen to refer complaints, when necessary and when confidentiality requirements of this chapter are not abridged, to any appropriate state or local government agency; such referral procedures must conform to the appropriate state law for referring reports of potential abuse, neglect, exploitation or abandonment and shall contain wherever possible the information specified in the appropriate state reporting laws;

(3) Offer and provide services to assist residents and their representatives in protecting the health, safety, welfare, and rights of the residents;

(4) Inform the residents, their representatives and others about resident rights and about the means of obtaining needed services, and assure that notices containing the name, address, and telephone number of the appropriate long-term

care ombudsman are posted prominently in every long-term care facility;

(5) Ensure that residents and their representatives have regular and timely access to the services provided through the ombudsman program, and ensure that the residents and complainants receive timely responses from representatives of the ombudsman program. Provision shall be made by facilities and the ombudsman to secure privacy for the purpose of the ombudsman carrying out his or her duties, including, but not limited to, building relationships with and providing information to residents;

(6) Represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(7)(a) Analyze, comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to long-term care facilities and services in the state;

(b) Recommend changes in laws, regulations, policies, and actions that will further promote the interests, well-being and rights of residents;

(c) Provide such information as the state office determines to be necessary to public and private agencies, legislators, and other persons, regarding:

(i) The problems and concerns of individuals residing in long-term care facilities; and

(ii) Recommendations related to these problems and concerns; and

(d) Facilitate public comment on laws, regulations, policies, and actions related to residents of long-term care facilities and the ombudsman program;

(8)(a) Establish procedures for the training and supervision of prospective regional long-term care ombudsmen, regional long-term care staff ombudsmen, and certified volunteer ombudsmen, and ensure that all ombudsmen are educated in the fields of long-term care and advocacy, including, but not limited to, conflict resolution, laws that govern long-term care resident populations, and issues in long-term care facilities pertaining to residents with mental illness, dementia and a wide range of disabilities;

(b) Monitor and provide administrative and policy direction and technical assistance to the regional long-term care ombudsmen; and

(c) Coordinate the activities of long-term care ombudsmen throughout the state;

(9)(a) Promote the development of citizen groups to participate in the ombudsman program; and

(b) Provide support for the development of resident councils and family councils to protect the interests, well-being and rights of residents;

(10) Assure that representative stakeholder advisory councils are established and maintained for the state and regional ombudsman programs. Councils should include representation from a broad spectrum of interests served by the program. All vacancies to councils should be filled where possible within three months of the vacancy;

(11) Coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illness including making appropriate referrals, and with legal services funded under Title III of the Older Americans Act, through the development of memoranda of understanding and other means;

(12) Establish a grievance procedure for the purpose of providing an appeal process for any individual dissatisfied with the actions of any ombudsman. The highest level of appeal shall be the contractor and the contractor's governing board. The grievance procedure is not intended to supplant any contracting or subcontracting agency's internally established grievance procedure for disputes not related to ombudsman duties.

(13) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems;

(14) Prepare an annual report:

(a) Describing the activities carried out by the ombudsman program in the prior year;

(b) Evaluating the problems experienced by, and the complaints made by, or on behalf of, residents;

(c) Containing recommendations for:

(i) Improving quality of the care and life of the residents; and

(ii) Protecting the health, safety, welfare, and rights of the residents;

(d)(i) Analyzing the success and needs of the ombudsman program, including the success or gaps in providing services to residents of long-term care facilities; and

(ii) Identifying barriers that prevent the optimal operation of the ombudsman program;

(e) Providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of residents, to protect the health, safety, welfare, and rights of residents, and to remove the barriers; and

(f) Make available to the federal Commissioner on Aging, the governor, the Washington state legislature, the department of social and health services, the department of health, the department of community, trade, and economic development, and other appropriate governmental entities and interested members of the public, the annual report described in this subsection;

(15) The state long-term care ombudsman may designate subcontractors to provide regional long-term care ombudsman services throughout the state. The state long-term care ombudsman has the authority to designate and certify regional long-term care ombudsmen. The state long-term care ombudsman has the authority to revoke, when good cause is shown, the designation of the organization or the designation and certification of the individual regional long-term care ombudsman;

(16) The state long-term care ombudsman has the authority to designate qualified individuals as certified volunteer long-term care ombudsmen representing the ombudsman program. Such individuals shall receive a certificate and picture identification card from the state office signed by the state long-term care ombudsman. The state long-term care

ombudsman has the authority to revoke, when good cause is shown, this certification.

(17) Nothing in this chapter shall be construed to empower the state long-term care ombudsman or any other long-term care ombudsman with statutory or regulatory licensing or sanctioning authority.

#### NEW SECTION

**WAC 365-18-070 Duties—Regional and regional staff long-term care ombudsmen.** Regional and regional staff long-term care ombudsmen shall, in accordance with the policies and procedures established by the state office, have the following duties:

(1) Offer and provide services to protect the health, safety, welfare, and rights of residents;

(2) Ensure that residents and their representatives in the service area have regular, timely access to representatives of the ombudsman program and timely responses to complaints and requests for assistance. Provision shall be made by facilities and ombudsmen to secure privacy for the purpose of the ombudsman carrying out his or her duties, including, but not limited to, building relationships with and providing information to residents;

(3) Identify, investigate, and resolve complaints made by or on behalf of residents that relate to actions, inactions, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents, made by:

(a) Providers, or representatives of providers, of long-term care or health care services;

(b) Public agencies;

(c) Health and social service agencies; or

(d) Guardians, representative payees, holders of powers of attorney, or other resident representatives;

(4) Recruit, train, place and supervise volunteer and staff ombudsmen who have been certified by the state ombudsman;

(5) Represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(6) Review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents; and facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

(7) Assure that regional stakeholder advisory councils are established and maintained for the regional ombudsman programs. Councils should include representation from a broad spectrum of interests served by the program. All vacancies to councils should be filled where possible within three months of the vacancy;

(8) Promote the development of resident councils, family councils, and citizen advocacy groups; and

(9) Carry out other activities that the state long-term care ombudsman determines to be appropriate.

**NEW SECTION**

**WAC 365-18-080 Duties—Certified volunteer long-term care ombudsmen.** Trained and certified volunteer long-term care ombudsmen shall, in accordance with policies and procedures established by the state office, and under the supervision of the regional long-term care ombudsman, have the following duties:

(1) Inform residents, their representatives and others about their rights, and offer and provide services to protect the health, safety, welfare, and rights of residents;

(2) Represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of residents;

(3) Visit residents in the assigned facility(s) on a regular basis, and, according to program policy, identify, investigate and resolve complaints made by or on behalf of residents that relate to actions, inactions, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents, made by:

(a) Providers, or representative of providers, of long-term care or health care services;

(b) Public agencies;

(c) Health and social service agencies; or

(d) Guardians, representative payees, holders of powers of attorney, or other resident representatives;

(4) Represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

(5) Review, and if necessary, comment on any existing and proposed laws, regulations, and other governmental policies and actions, that pertain to the rights and well-being of residents; and facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

(6) Promote development of resident councils, family councils, and citizen advocacy groups; and

(7) Carry out other activities that the state long-term care ombudsman determines to be appropriate.

**NEW SECTION**

**WAC 365-18-090 Legal counsel.** The state long-term care ombudsman shall ensure that adequate legal counsel is available, and is able, without conflict of interest, to:

(1) Provide advice and consultation needed to protect the health, safety, welfare and rights of residents;

(2) Pursue administrative, legal, and other remedies on behalf of residents;

(3) Assist representatives of the state office in performance of their duties; and

(4) Provide legal representation to any representative of the state office against whom legal action is threatened or brought in connection with performance of their duties.

**NEW SECTION**

**WAC 365-18-100 Ombudsmen access to facilities, residents, and records.** (1) All ombudsmen shall have

access to all long-term care facilities and residents at any time deemed necessary and reasonable to effectively carry out the ombudsman duties set forth in this chapter, chapter 43.190 RCW, and federal law. Access to facilities and residents by ombudsmen shall be deemed necessary and reasonable at the following times:

(a) Any time during a facility's regular business day, regular visiting hours, or other period the facility is open to the public; and

(b) Any other time access may be required by the particular condition to be investigated or monitored.

(2) Upon entering a facility, or as soon as practicable thereafter, all ombudsmen shall report their presence to the facility administration or staff in charge and, upon request, present identification as an ombudsman.

(3) Ombudsmen shall have access to residents to perform the duties set forth in this chapter, chapter 43.190 RCW, and federal law. Provision shall be made by the facility and the ombudsman to secure privacy for the purpose of building relationships, providing information, and hearing, investigating, and resolving complaints of, and rendering advice to, residents of the facility at any time deemed necessary and reasonable by the ombudsmen to effectively carry out the provisions of this chapter.

(4) Ombudsmen shall have private access to residents without willful interference from the facility or the resident's representative, including a guardian, family member, or holders of powers of attorney.

(5) Ombudsmen shall have the following access to a resident's records:

(a)(i) Prompt access to review and timely access to copies of all medical and social records of a resident, and other records relating to the resident if:

(A) The ombudsman has the permission of the resident, or the legal representative of the resident; or

(B) The resident is unable to consent to the review and has no legal representative; or

(ii) Prompt access to review and timely access to copies of all medical, social, and other records of a resident, as is necessary to investigate a complaint if:

(A) A legal representative of the resident, including a guardian, refuses to give the permission;

(B) The ombudsman has reasonable cause to believe that the legal representative or guardian is not acting in the best interest of the resident; and

(C) The ombudsman obtains the prior approval of the state long-term care ombudsman or his or her designee;

(b) Prompt access to review and timely access to copies of any long-term care facility's administrative records, policies, and documents to which the residents or the general public have access; provided, that in licensed nursing facilities this shall include, but not be limited to, the records and policies set forth in RCW 74.42.430.

(6) Ombudsmen shall have timely access to, and copies where requested, of all licensing and certification records maintained by the state with respect to long-term care facilities.

(7) For any copies obtained under this section, the ombudsman shall pay a reasonable rate not to exceed the community standard.

NEW SECTION

**WAC 365-18-110 Confidentiality of ombudsman records, communications privileged.** (1) All records and files maintained by the long-term care ombudsman program shall remain confidential. Any disclosure of long-term care ombudsman program records is subject to the following provisions:

(a) No disclosure shall be made without the prior approval of the state ombudsman or his or her representative.

(b) No disclosure of the identities of complainants, witnesses, clients, or residents shall be made unless one of the following conditions has been met:

(i) The complainant or resident, or their legal representative consents in writing to the disclosure; or

(ii) The complainant or resident gives oral consent, and that consent is documented contemporaneously in writing by a representative of the state office; or

(iii) The disclosure is required by court order.

(c) Nonidentifying information or statistics may be disclosed at the discretion of the state ombudsman or his or her representative.

(2) All communications by an ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter or federal or state statutes and done in good faith, are privileged. That privilege shall serve as a defense to any action in libel or slander. Ombudsmen are exempt from being required to testify in court as to any confidential matters, except as the court may deem necessary to enforce this chapter.

NEW SECTION

**WAC 365-18-120 Interference with the ombudsman, liability.** (1) It is unlawful to take any discriminatory, disciplinary, or retaliatory action against the following persons:

(a) Any employee of a facility or agency;

(b) Any resident or client of a long-term care facility or family member of a resident;

(c) Any ombudsman; or

(d) Any person;

for any communication made, or information given or disclosed, to an ombudsman carrying out his or her duties unless that person acted maliciously or without good faith.

(2) It is unlawful to willfully interfere with ombudsmen in the performance of their official duties.

(3) No ombudsman shall be liable for good faith performance of his or her duties under this chapter, chapter 43.190 RCW, or federal law.

**WSR 99-18-109**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed September 1, 1999, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-15-047, with a published date of August 2, 1999.

Title of Rule: Age limit to participate in gambling activities.

Purpose: Currently, the requirements for minors to participate in gambling activities are located in several rules and difficult to find: "No beer and liquor as prizes" (WAC 230-12-030); "Age limit for bingo" (WAC 230-20-210); and "Active member defined" (WAC 230-02-183). A new rule was written to clearly set forth the exceptions for a minor to participate in gambling activities. The age requirements set forth in WAC 230-12-030 and 230-20-210 have been moved to this new rule, and WAC 230-02-183 was referenced. Now all age restrictions are addressed in one rule and will be easier to find.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 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 above.

Proposal Changes the Following Existing Rules: See Purpose above.

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

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: Shilo Inn, 707 Ocean Shores Boulevard, Ocean Shores, WA 98569, (360) 489-4600, on October 15, 1999, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by October 1, 1999, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Susan Arland, Mailstop 42400, Olympia, Washington 98504-2400, fax (360) 438-8652, by October 1, 1999.

Date of Intended Adoption: October 15, 1999.

August 31, 1999

Susan Arland

Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-20-210

Age limit for bingo.

AMENDATORY SECTION (Amending Order 243, filed 8/17/93, effective 1/1/94)

**WAC 230-12-030 No beer, wine or ((liquor)) spirits as prizes. ((No beverages containing)) Alcohol shall not be offered as a prize.**

(1) Pursuant to the restrictions of the liquor control board, beverages that contain alcohol, including but not limited to((;)) beer, wine or ((liquor;)) spirits shall not be offered or awarded as a prize or in lieu of a prize for winning at any ((of the activities authorized by chapter 9.46 RCW: Provided, That this section does not apply to activities that are)) gambling activity. Exceptions to this restriction are set forth in subsection (2) of this section.

Exceptions for alcohol to be offered as a prize.

(2) Alcohol may be offered and awarded as a prize in:

(a) Dice or coin contests for music, food, or beverage payment as authorized by RCW 9.46.0305 (Dice or coin contests for music, food, or beverage payment)((, and));

(b) Unlicensed members-only raffles as authorized by RCW 9.46.0315 (Raffles—No license required, when) ((conducted by bona fide charitable or bona fide nonprofit organizations. No such alcoholic beverages shall be furnished to any person participating in the activity by anyone except upon the participant paying the market price therefor. If liquor is offered for sale upon the premises where an authorized activity is being conducted then no one under the age of eighteen years shall be admitted to that portion of the premises used to conduct the authorized activity. The licensee and each person conducting the activity and each person physically operating the activity shall be responsible to see that no unauthorized person is admitted to that portion of the premises)), but only if the appropriate permit has been granted by the liquor control board; and

(c) Other gambling activities that the liquor control board has authorized alcohol to be given away.

#### NEW SECTION

**WAC 230-12-027 Age limit to participate in gambling activities.** Minors shall not participate in gambling activities.

(1) Persons under the age of eighteen shall not wager in, nor participate in the operation of any gambling activity. Exceptions to this restriction are set forth in subsection (2) of this section:

Exceptions for minors to participate in gambling activities.

(2) Persons under the age of eighteen may:

(a) Play in licensed bingo games if accompanied by an adult member of his/her immediate family or a guardian, who is at least eighteen years old. For purposes of this section, "immediate family" means and is limited to, the spouse, parents, or grandparents of an individual. "Guardian" means and is limited to an individual appointed by a court of law as the legal guardian of an individual;

(b) Play bingo at agricultural fairs or school carnivals;

(c) Play amusement games, pursuant to the provisions set forth in RCW 9.46.0331 (4) and (5); and

(d) Sell raffle tickets, pursuant to the provisions set forth in WAC 230-02-183.

Enforcement of age restrictions.

(3) The licensee and those persons operating gambling activities are responsible for assuring that persons under the age of eighteen are not playing in or participating in the operation of any gambling activity.

#### **WSR 99-18-110**

#### **PROPOSED RULES**

#### **DEPARTMENT OF REVENUE**

[Filed September 1, 1999, 11:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-05-069.

Title of Rule: Chapter 458-07 WAC, Valuation and revaluation of real property, repeal of WAC 458-12-040, 458-12-300, 458-12-301, 458-12-305, 458-12-326, 458-12-327, 458-12-330, 458-12-335, 458-12-336, 458-12-337, 458-12-338, 458-12-339, and 458-12-350.

Purpose: The proposed new rules provide the guidance necessary to keep the valuation and revaluation of real property consistent and uniform throughout the thirty-nine counties.

Other Identifying Information: Some of these rules replace existing rules that relate to valuation and revaluation of real property found in chapter 458-12 WAC.

Statutory Authority for Adoption: RCW 84.08.070.

Statute Being Implemented: RCW 84.40.020, [84.40.]030, [84.40.]039, [84.40.]040, [84.40.]042, [84.40.]045, 84.41.030, [84.41.]041, [84.41.]070, [84.41.]090, [84.41.]120, [84.41.]130.

Summary: These proposed rules give guidance to the county assessors in carrying out the constitutional and statutory requirements regarding valuation and revaluation of real property on a systematic and uniform basis.

Reasons Supporting Proposal: These proposed rules would bring all the rules dealing with valuation and revaluation of real property within one chapter of the Washington Administrative Code.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South #303, Olympia, WA (360) 586-4283; Implementation and Enforcement: Sandy Guilfoil, 6004 Capital Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed chapter of the Washington Administrative Code is intended to provide guidance to county assessors and others with respect to the valuation and revaluation of real property for purposes of taxation. The procedures set out will help ensure that real property is valued and revalued in accordance with constitutional, statutory and case law, and



will be accomplished in a consistent, uniform, and systematic manner throughout the state.

**Proposal Changes the Following Existing Rules:** It clarifies the instructions provided in the existing rules and brings those instructions up to date with respect to the most recent changes in statutory and case law. The department is repealing the current rules and adopting new rules to provide the update instructions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the proposed rules do not impose any requirements or burdens upon small businesses that are not already specifically required by statute.

RCW 34.05.328 does not apply to this rule adoption. These are not significant legislative rules. They are interpretive rules as defined in RCW 34.05.328 (5)(c)(ii).

**Hearing Location:** Evergreen Plaza Building, 711 Capitol Way, 2nd Floor Conference Room, Olympia, WA, on October 6, 1999, at 10:00 a.m.

**Assistance for Persons with Disabilities:** Contact Ginny Dale no later than ten days before the hearing date TDD 1-800-451-7985, or (360) 586-0721.

**Submit Written Comments to:** James A. Winterstein, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail jimwi@dor.wa.gov, by October 6, 1999.

**Date of Intended Adoption:** October 20, 1999.

September 1, 1999

Claire Hesselholt

Rules Manager

Legislation and Policy Division

### Chapter 458-07 WAC

## VALUATION AND REVALUATION OF REAL PROPERTY

### NEW SECTION

**WAC 458-07-010 Valuation and revaluation of real property—Introduction.** The Washington state Constitution requires that all taxes be uniform upon the same class of property within the territorial limits of the authority levying the tax. In order to comply with this constitutional mandate and ensure that all taxes are uniform, all real property must be valued in a manner consistent with this principle of uniformity. Also, to comply with statutory and case law, the county assessor must value all taxable real property in the county on a regular, systematic, and continuous basis. This valuation may be accomplished on an annual basis for all real property in the county, or it may be accomplished on a multiyear basis with all the real property in the county revalued within a time period of not more than four years. Whether on an annual basis or a multiyear basis, the assessor must adhere to a revaluation plan that will ensure equality and uniformity in the valuation of real property, and must use proper appraisal methods. The administrative rules in this chapter describe

and explain the processes to be used by the county assessor in valuing and revaluing real property for purposes of taxation.

### NEW SECTION

**WAC 458-07-015 Revaluation of real property—Annual counties.** (1) **Appropriate statistical data defined.** In any county where all real property is revalued each year, the assessor must revalue the property at its current true and fair value using appropriate statistical data. For purposes of this chapter, "appropriate statistical data" means the data required to accurately adjust real property values and includes, but is not limited to, data reflecting costs of new construction and real property market trends.

(2) **Comparable sales data.** In gathering appropriate statistical data and determining real property market trends, the assessor must consider current sales data. "Current sales data" means sales of real property that occurred within the past five years of the date of appraisal and may include sales that occur in the assessment year. To the extent feasible, and in accordance with generally accepted appraisal practices, the assessor shall compile the statistical data into categories of comparable properties. Comparability is most often determined by similar use and location and may be based upon the following use classifications:

- (a) Single family residential;
- (b) Residential with from two to four units;
- (c) Residential with more than four units;
- (d) Residential hotels, condominiums;
- (e) Hotels and motels;
- (f) Vacation homes and cabins;
- (g) Retail trade;
- (h) Warehousing;
- (i) Office and professional service;
- (j) Commercial other than listed;
- (k) Manufacturing;
- (l) Agricultural; and
- (m) Other classifications as necessary.

(3) **Appraisal processes.** Appropriate statistical data shall be applied to revalue real property to current true and fair value using one or more of the following processes:

- (a) Multiple or linear regression;
- (b) Sales ratios;
- (c) Physical inspection; or

(d) Any other appropriate statistical method that is recognized and accepted with respect to the appraisal of real property for purposes of taxation.

(4) **Physical inspection cycles.**

(a) For purposes of this section, "physical inspection" means, at a minimum, an exterior observation of the property to determine whether there have been any changes in the physical characteristics that affect value. The property improvement record must be appropriately documented in accordance with the findings of the physical inspection. In a county where all real property is revalued at its current true and fair value each year, using appropriate statistical data, the assessor must physically inspect all real property at least once within a six-year time period.

(b) Physical inspection of all the property in the county shall be accomplished on a proportional basis in cycle, with approximately equal portions of taxable property of the county inspected each year. Physical inspections of properties outside of the areas scheduled for physical inspection under the plan filed with the department (see WAC 458-07-025) may be conducted for purposes of validating sales, reconciling inconsistent valuation results, calibrating statistical models, valuing unique or nonhomogeneous properties, administering appeals or taxpayer reviews, documenting digital images, or for other purposes as necessary to maintain accurate property characteristics and uniform assessment practices. All properties shall be placed on the assessment rolls at current true and fair value as of January 1st of the assessment year.

(c) In any year, when the area of the county being physically inspected is not completed in that year, the portion remaining must be completed before beginning the physical inspection of another area in the succeeding year. All areas of the county must be physically inspected within the cycle established in the revaluation plan filed with the department.

(5) **Change of value notice.** In a county that revalues all real property each year, revaluation notices must be mailed by the assessor to the taxpayer when there is any change in the assessed value of real property, not later than thirty days after an appraisal or adjustment in value.

#### NEW SECTION

**WAC 458-07-020 Revaluation of real property—Multiyear counties.** (1) **Revaluation cycles.** In a county where all real property is not revalued each year, all real property must be physically inspected and revalued at current true and fair market value on a proportional basis within the county each year of a two, three, or four-year cycle. Approximately equal portions of the taxable property of the county must be physically inspected and revalued each year of the cycle. Alternatively, the department may approve a plan whereby the county assessor physically inspects and revalues all real property in the county once every two years.

(2) **Revaluation outside of approved cycle.** In certain circumstances the assessor is authorized to revalue real property using appraisal judgment, outside of the approved revaluation cycle. These revaluations must not be arbitrary or capricious, nor violate the equal protection clauses of the federal and state Constitutions, nor the uniformity clause of the state Constitution. The assessor may disregard the revaluation cycle and change a property valuation, as appropriate, in the following situations:

(a) If requested by a property owner, when a notice of decision pertaining to the value of real property is received under RCW 36.70B.130 (Notice of decision—Distribution; local project review), RCW 90.60.160 (Final permit decision—Notice forwarded to county assessor; environmental permit assistance), chapter 35.22 RCW (First Class Cities), chapter 35.63 RCW (Planning Commissions), chapter 35A.63 RCW (Planning and Zoning in Code Cities), or chapter 36.70 RCW (Planning Enabling Act);

(b) When the owner or person responsible for payment of taxes on any real property petitions the assessor for a reduction in the assessed value in accordance with RCW 84.40.039, within three years of adoption of a restriction by a government entity;

(c) When there has been a "definitive change of land use designation" by an authorized land use authority, and the revaluation is in accordance with RCW 84.48.065;

(d) When a bona fide mistake has been made by the assessor in a prior valuation made within the current valuation cycle. The change in property valuation is not retroactive to the prior year;

(e) When property has been destroyed, in whole or in part, and is entitled to a reduction in value in accordance with chapter 84.70 RCW; or

(f) When property has been subdivided or merged.

(3) **Revaluation areas—Incomplete revaluation.** In any year, when the area of the county being physically inspected and revalued is not completed in that year, the portion remaining must be completed before beginning the physical inspection and revaluation of another area in the succeeding year. For any portion of a revaluation area that was not completed in the year intended, the value of real property in that portion is still determined as of January 1st of the assessment year originally intended, but the new appraised value is placed on the assessment rolls, and is subject to appeal by the taxpayer, in the assessment year the property is actually inspected and revalued. All areas of the county must be physically inspected and revalued within the cycle established in the revaluation plan filed with the department.

(4) **Change of value notice.** In a county that revalues all real property on a multiyear cycle, revaluation notices must be mailed by the assessor to the taxpayer when there is any change in the assessed value of real property, not later than thirty days after an appraisal.

#### NEW SECTION

**WAC 458-07-025 Revaluation of real property—Plan submitted to department of revenue.** (1) **Revaluation plan—When submitted.** The assessor shall submit a proposed revaluation plan to the property tax division of the department of revenue on or before March 1st of the year prior to the first year of any revaluation and/or physical inspection cycle.

(2) **Revaluation plan—Contents.** The proposed revaluation plan must be sufficiently detailed to enable the department to determine whether the assessor will be able to successfully and timely complete the revaluation and/or physical inspection program and must include, but is not limited to, the following:

(a) A comprehensive analysis of the number and types of properties to be appraised each year;

(b) Specific geographical revaluation areas, taxing districts, or parcels included in the plan each year;

(c) A description of appraiser workload each year and the number of personnel required to implement the plan, including the number and duties of staff not directly involved in the appraisal of real property;

(d) The number of additional staff required, if any, and a description of their duties;

(e) Whether the plan anticipates the necessity of using appraisers hired on a contract basis or whether the plan anticipates requesting special assistance from the department of revenue;

(f) The current and anticipated use of and need for equipment, supplies, and space;

(g) The annual anticipated budget of the assessor's office; and

(h) A statement that all real property will be appraised at one hundred percent of its true and fair value unless specifically provided otherwise by law.

**(3) Revaluation plan—Approval or disapproval.** The department shall review the proposed revaluation plan to determine whether it complies with all lawful requirements and to determine whether it can be successfully and timely completed. The department shall notify the assessor in writing if it disapproves a proposed revaluation plan and shall give the reasons for its disapproval. If the proposed revaluation plan is not approved by the department, the assessor shall, with the assistance of the department of revenue, develop a revaluation plan that will comply with the provisions of chapter 84.41 RCW and this chapter of the Washington Administrative Code.

**(4) Revaluation plan—Progress report—Changes—Satisfactory progress.**

(a) The assessor of each county shall submit a report to the department of revenue not later than October 15th of each year detailing the county's progress in implementing its revaluation and/or physical inspection program. The report must be submitted on forms supplied by the department and must note any additions or corrections to, or deviations from, the plan during the past year.

(b) Any significant or substantial changes to the plan must be submitted to and approved by the department prior to implementation of the changes.

(c) If the department finds that the revaluation and/or physical inspection program in any county is not proceeding in accordance with the county's revaluation plan or that the revaluation and/or physical inspection program is not making satisfactory progress, the department shall notify both the county legislative authority and the assessor of that finding. Within thirty days after receiving the notice, the county legislative authority shall take one of the following actions:

(i) Authorize such expenditures as will enable the assessor to complete the revaluation and/or physical inspection program as directed; or

(ii) Direct the assessor to request special assistance from the department of revenue for aid in effectuating the county's revaluation and/or physical inspection program.

## NEW SECTION

**WAC 458-07-030 True and fair value—Defined—Criteria—Highest and best use—Data from property owner.** (1) **True and fair value—Defined.** All property must be valued and assessed at one hundred percent of true and fair value unless otherwise provided by law. "True and

fair value" means market value and is the amount of money a buyer of property willing but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might in reason be applied.

(2) **True and fair value—Criteria.** In determining true and fair value, the assessor may use the sales (market data) approach, the cost approach, or the income approach, or a combination of the three approaches to value. The provisions of (b) and (c) of this subsection, the cost and income approaches, respectively, shall be the dominant factors considered in determining true and fair value in cases of property of a complex nature, or property being used under terms of a franchise granted by a public agency, or property being operated as a public utility, or property not having a record of sale within five years and not having a significant number of sales of comparable property in the general area. When the cost or income approach is used, the assessor shall provide the property owner, upon request, with the factors used in arriving at the value determined, subject to any lawful restrictions on the disclosure of confidential or privileged tax information.

(a) **Sales.** Sales of the property being appraised or sales of comparable properties that occurred within five years of January 1st of the assessment year are valid indicators of true and fair value. In valuing property, the following shall be considered:

(i) Any governmental policies or practices, regulations or restrictions in effect at the time of appraisal that affect the use of property, including a comprehensive land use plan, developmental regulations under the Growth Management Act (chapter 36.70A RCW), and zoning ordinances. No appraisal may assume a land usage not permitted under existing zoning or land use planning ordinances or statutes, unless such usage is otherwise allowed by law;

(ii) Physical and environmental influences that affect the use of the property;

(iii) When a sale involves a real estate contract, the extent, if any, to which the down payment, interest rate, or other financing terms may have increased the selling price;

(iv) The extent to which the sale of a comparable property actually represents the general effective market demand for property of that type, in the geographical area in which the property is located; and

(v) Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of comparable property in determining value.

(b) **Cost.** In determining true and fair value, consideration may be given to cost, cost less depreciation, or reconstruction cost less depreciation.

(c) **Income.** In determining true and fair value, consideration may be given to the capitalization of income that would be derived from prudent use of the property.

(d) **Manuals.** Appraisal manuals or guides published or approved by the department of revenue shall be considered in conjunction with the three approaches to value. The data contained in these manuals or guides must be analyzed and adjusted by the assessor to consider time, location, and any other applicable factors to properly reflect market value in the county.

(3) **True and fair value—Highest and best use.** Unless specifically provided otherwise by statute, all property shall be valued on the basis of its highest and best use for assessment purposes. Highest and best use is the most profitable, likely use to which a property can be put. It is the use which will yield the highest return on the owner's investment. Any reasonable use to which the property may be put may be taken into consideration and if it is peculiarly adapted to some particular use, that fact may be taken into consideration. Uses that are within the realm of possibility, but not reasonably probable of occurrence, shall not be considered in valuing property at its highest and best use.

(4) **Valuation of land and improvements.** In valuing any lot, tract, or parcel of real property, the assessor must determine the true and fair value of the land, excluding the value of any structures on the land and excluding the value of any growing crops. The assessor must also determine the true and fair value of any structure on the land. The total value of the land and the structures must not exceed one hundred percent of the true and fair value of the total property as it exists at the time of appraisal.

(5) **Valuation data from property owners.** The assessor may require property owners to submit pertinent data regarding property in their control, including sales data, costs and characteristics of improvements, and other facts necessary for appraisal of the property.

#### NEW SECTION

**WAC 458-07-035 Listing of property—Subdivisions and segregation of interests.** (1) **Listing of property.** The assessor must begin the listing and valuation of all property in the county, except new construction and mobile homes not previously assessed in this state, not later than December 1st of each year, and complete the listing and valuation not later than May 31st of the succeeding year. The listing and valuation of new construction and mobile homes not previously assessed in this state must be completed by August 31st of each year.

(2) **Valuation of subdivisions.** The assessor must list and value all subdivisions of real property at one hundred percent of true and fair value as follows:

(a) If an advance tax deposit was paid in accordance with RCW 58.08.040, each lot of a subdivision must be valued by October 30th of the year following the recording of the plat, replat, altered plat, or binding site plan. The value established shall be the value of the lot as of January 1st of the year the original parcel was last revalued. Each lot of a subdivision that is valued on or before May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for that assessment year. Each lot of a subdivision that is valued after May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for the succeeding assessment year; and

(b) If no advance tax deposit was paid, each lot of a subdivision must be valued by the end of the calendar year following the recording of the plat, map, subdivision, or replat. The value established shall be the value of the lot as of January 1st of the year the original parcel was last revalued. Each

lot of a subdivision that is valued on or before May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for that assessment year. Each lot of a subdivision that is valued after May 31st, or the closing of the assessment roll, whichever is later, shall be placed on the roll for the succeeding assessment year.

(3) **Petition for payment of taxes on partial interest.** Any person desiring to pay taxes on only their interest in a parcel of real property, whether their interest is a divided interest or an undivided interest, may do so by applying to the assessor of the county where the property is located. The assessor shall determine the value of the applicant's interest and certify that value to the county treasurer who shall accept payment of taxes for the applicant's interest in the property. No segregation of the property shall be made unless all delinquent taxes and assessments on the entire parcel have been paid in full, except for the following situations, in which all delinquent taxes and assessments on the entire parcel need not first be paid in full:

- (a) When property is being acquired for public use; and
- (b) When a person or financial institution desires to pay the taxes and any penalties and interest on a mobile home upon which they have a lien by mortgage or otherwise.

#### WSR 99-18-125

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed September 1, 1999, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-22-031.

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

Purpose: 1. To meet the criteria set forth in Governor Locke's Executive Order 97-02.

2. To clarify rules and to help make them more comprehensible.

Statutory Authority for Adoption: RCW 88.02.070 and 88.02.100.

Summary: Amending WAC 308-93-370 format required for name and address—Names separated by the words "and," or "or," or the slash symbol (/), 308-93-380 Format required for name and address—Ownership in joint tenancy, 308-93-390 Vessels held in trust, 308-93-400 Multiple security interests, 308-93-490 Law enforcement sale, 308-93-500 Name change, and 308-93-510 Transfer by court order.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

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: Clarify sections needed and repeal those no longer required.

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

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 107, 1125 Washington Street S.E., Olympia, WA 98507, on October 11, 1999, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by October 8, 1999, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by October 8, 1999.

Date of Intended Adoption: October 30, 1999.

September 1, 1999

Deborah McCurley

Administrator

Title and Registration Services

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-370 ((Form)) Format required for name and address—((Owners in common)) Names separated by the words "and," "or," or the slash symbol (/). ((If more than one person is shown on the application for title or its addendum as registered owner of the vessel, those persons will be treated as owners in common of the vessel whether or not the names are joined by the word "and" or the word "or.")) (1) Does the department use the words "and," "or," or the slash symbol (/) when recording multiple interests on a certificate of ownership? The department no longer uses these designations when recording ownership interest. For those certificates of ownership which may have been issued using one of these designations, any registered owners so shown are considered to have equal registered owner interest in the vessel and any secured parties so shown are considered to have equal secured party interest in the vessel.**

(2) Will the department use the words "and," "or," or the slash symbol (/) if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations? The department does not use these designations when recording ownership interest.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-380 ((Form)) Format required for name and address—Ownership in joint tenancy. ((If more**

**than one person is shown on the title application as registered owner, and the intention of the parties is to create ownership in joint tenancy, it is necessary to use the following language on the application for certificate of title:**

(1) ~~"John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship"; or~~

(2) ~~"John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship and not as tenants in common" on the reissue title.~~

The ownership of the vessel in joint tenancy will be indicated on the certificate issued by the department in the following manner: "J.T.W.R.O.S."

A certified copy of the death certificate will be required upon the death of a party named on such a title. An application for title in the name(s) of the remaining party will be required.) (1) What does joint tenancy with rights of survivorship mean when noted on a certificate of ownership?

If a vessel certificate of ownership shows the owners are in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate.

(2) How is joint tenancy with rights of survivorship shown on the application for certificate of ownership? The application for certificate of ownership shall show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out. The address of only one owner can be accepted on the application. Example 1:

Doe, John

Doe, Jane

Doe, Mary

Joint tenants with rights of survivorship; or

Example 2:

Doe, John

Doe, Jane

Joint tenants with rights of survivorship.

(3) How is joint tenancy with rights of survivorship shown on the certificate of ownership? The certificate of ownership will be printed showing the abbreviation "JTWROS."

(4) If one of the owners dies, what additional documentation does the department require to transfer the certificate of ownership into the name(s) of the surviving owner(s)? The department requires a copy of the death certificate.

AMENDATORY SECTION (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-390 Vessels held in trust. (1) ((The trustee shall be shown on any application for certificate of title as registered owner if a vessel is held in trust for the benefit of another. There is no requirement that the word "trustee" be placed after the name of any such owner.**

**(2) If the application and subsequently issued title includes the word "trustee" after the name of the registered owner, any signature releasing interest in the vessel by that owner shall include that designation.**

(3) Upon the death of the trustee, a co-trustee or successor trustee shall make application for transfer of title into his/her own name. An affidavit that he or she is the successor or co-trustee and a copy of the documents so designating that person shall accompany any such application.)) **How is a trust, established under 11.98 RCW, shown on a certificate of ownership?** Owners who choose to designate the trust on a certificate of ownership may:

(a) Show the registered owner name with the designation **trustee**;

(b) Show the registered owner name with the designation **trustee** followed by the name of the trust as one owner. If necessary, the name of the trust will be abbreviated to comply with the department's data field size constraints on the automated vessel field system and space limitations on the certificate of ownership; or

(c) The name of the trust only.

**(2) What trust documents do I need to present to apply for a certificate of ownership in the name of the trust?** In addition to documents required by chapters 88.02 RCW and 308-93 WAC you will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

**(3) If a vessel is titled in the name of a trust, who represents the trust for title transactions?** The trustee shown on the certificate of ownership or named in the trust document(s) represents the trust on all vessel transactions with the department until such time as the trustee is replaced or the trust is terminated.

**(4) What is required when the succession of trustees changes?** When there is a change in the succession of trustees, the successor trustee shall do one of the following:

(a) If the certificate of ownership shows the registered owner name with the designation **trustee** or the registered owner name with the designation **trustee** followed by the name of the trust as one owner, the new trustee must apply for a new certificate of ownership and provide documentation appointing the new or successor trustee.

(b) If the certificate of ownership is in the name of the trust only, the department does not require a new application for certificate of ownership provided the current trust documents indicate the new succession of trustees.

**(5) What is required when a trust is terminated?** The beneficiary must apply for a new certificate of ownership under chapter 88.02 RCW.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-400 ((Two legal owners)) Multiple security interests.** ((If one of two legal owners shown on a certificate of title has his/her security interest in the vessel satisfied, that interest in the vessel shall be released in the appropriate manner and the appropriate documentation forms forwarded to the remaining legal owner. The remaining legal owner shall either (1) retain that documentation and forward it to the department at the time his/her interest is satisfied along with an application for reissue or (2) the documentation

shall be immediately presented to the department with an application for reissue of title to show the remaining secured party as the sole legal owner of the vessel. If the outstanding certificate of title does not show the address of the remaining legal owner, there must be an application for reissue of title in order that the address of the remaining legal owner may be indicated on the outstanding certificate of title.)) **(1) Will the department issue a certificate of ownership indicating more than one security interest?** Yes, more than one security interest(s) may be shown on the certificate of ownership.

**(2) How are additional security interests shown on the certificate of ownership?** Additional security interests are shown directly after the first security interest. Only the address of the first security interest shall be shown on the certificate of ownership.

**(3) If the lien has been satisfied with one of the secured parties shown on a certificate of ownership, how is their interest released?** When the lien has been satisfied with one of the secured parties shown on a certificate of ownership, that secured party's interest shall be released on the certificate of ownership or a department approved release of interest form. The remaining secured party(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining secured parties' name and address.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-490 ((Sheriff's)) Law enforcement sale.**

**(1) ((An application for title for a vessel sold by a sheriff pursuant to Washington state law transfers only the interests of the person(s) shown on the bill of sale, or if the former owner(s) is not shown, only the interests of the registered owner(s) of record, and shall be accompanied by:**

(a) The sheriff's bill of sale; and

(b) A copy of the court order directing the sale, if any.

**(2) The vessel must be titled in the name of the purchaser shown on the bill of sale.)) What documentation will I receive if I purchase a vessel from law enforcement? You will receive:**

(a) A bill of sale from the selling law enforcement agency indicating the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(b) A properly released certificate of ownership; or

(c) A notarized release of interest and affidavit in lieu of title.

**(2) What ownership documents does the department require to issue a certificate of ownership for a vessel, which has been purchased at a law enforcement sale?** The department requires, in addition to other documents and fees required by chapters 46.01 and 88.02 RCW:

(a) The current certificate of ownership, if it is available; and

(b) A bill of sale from law enforcement to the purchaser stating that the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(c) A copy of an order, describing the vessel, from any district or superior court of any county of this state authorizing law enforcement to sell the vessel.

**(3) Does the sale of a vessel at a law enforcement sale remove any previous security interest?** Yes, security interests are released upon the sale of a vehicle at a law enforcement sale. No additional releases of interest are required from the secured party.

**AMENDATORY SECTION** (Amending Order TL-RG-2, filed 6/21/84)

**WAC 308-93-500 Name change.** ((On any application for reissue of a certificate of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change, if applicable, shall be attached to the application.)) **What documentation does the department require to change my name as shown on the certificate of ownership?** In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

(1) A court order if the name was changed by a court action; or

(2) An affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud creditors.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-510 Transfer by court order.** ((Any application for certificate of title, where a change of legal or registered owner of a vessel is the result of the order of a court, shall be accompanied by a certified copy of the order or a certification from the clerk of court on a department approved form confirming the court's action. If the last issued certificate of title is not attached to the application, an affidavit of lost or destroyed title or an affidavit explaining the non-availability of the title document shall also be attached to the application.)) (1) **What does the department require if ownership of a vessel is awarded by court order?** In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

(a) A copy of the Washington state court order, or certification from the clerk of court confirming the courts' action. The court order or certification from the clerk must describe the vessel and to whom the vessel is awarded, provided the vessel is most recently titled in Washington; or

(b) A copy of the foreign court order if a vessel for which ownership was most recently established, is in the same jurisdiction as the court action, example: California court order and California vessel ownership documents; or

(c) The court order to be filed in accordance with RCW 6.36.025 if the court order and vessel certificate of ownership are not from the same jurisdiction; or

(d) Obtain a certificate of ownership in their name from a foreign jurisdiction.

**(2) What information needs to be on the court order for the department to accept it?** The department requires the court order to contain, at a minimum:

(a) The name of the person to whom the property is awarded;

(b) A description of the vessel(s) awarded, including the hull identification number or Washington registration number, if available;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

**(3) Does the department require all pages of the final court order?** No, the department requires only copies of pages of the final court order containing:

(a) The information listed in subsection (2) of this section; and

(b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vessel and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order actually signed by the judge/commissioner.

**(4) Does the copy of the court order need to be certified?** The copy of the court order does not need to be certified.

**(5) What does the department require if the court order does not describe the vessel by vessel identification number or Washington registration number?** The department requires a certified or notarized statement from the person awarded the vessel. The statement shall describe the vessel in the court order by year, make and hull identification number as a minimum.

**(6) Does the court order allow the department to remove the security interest recorded on the current certificate of ownership?** The department shall:

(a) Remove the security interest if the court order specifically directs the department to do so.

(b) Not remove the security interest if not specified to do so in the court order. The new owner may:

(i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

(ii) Petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.





**WSR 99-18-061**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF LICENSING**

[Filed August 30, 1999, 2:40 p.m.]

Title of Rule: WAC 308-97-011 Definitions.

Purpose: Chapter 270 of the 1999 legislative session, Implementation of the requirements of HB 2201.

Statutory Authority for Adoption: RCW 46.16.160, 82.38.100.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., 902-3718; Implementation: Art Farley, 2424 Bristol Court, 664-1812; and Enforcement: Thao Pham-Manikhoth, 2424 Bristol Court, 664-1844.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Definitions. Motor carrier is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either: (1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds; (2) is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or (3) carries sixteen or more passengers, including the driver. Purpose is a surcharge of five dollars imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weight stations, weigh-in-motion programs, and the commercial vehicle information systems and network programs. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief program. Anticipated effects would be that sellers of trip permits would determine what fund the surcharge of five dollars would be deposited in.

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 Art Farley, Department of Licensing, Prorate and Fuel Tax Services, Vehicle Services, Mailstop 48001, 2424 Bristol Court, Olympia, WA 98502-2957, AND RECEIVED BY November 1, 1999.**

August 30, 1999

Thao Pham-Manikhoth  
 Administrator

Prorate and Fuel Tax Services

**NEW SECTION**

**WAC 308-97-011 Definitions.** Motor carrier is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either:

(1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds;

(2) Is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or

(3) Carries sixteen or more passengers, including the driver.

**WSR 99-18-081**  
**EXPEDITED ADOPTION**  
**DEPARTMENT OF HEALTH**

[Filed August 31, 1999, 4:34 p.m.]

Title of Rule: Denturist fees and renewal cycle.

Purpose: To accurately state the renewal cycle for denturists.

Other Identifying Information: WAC 246-812-990.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.280 and chapter 18.30 RCW.

Summary: Change the renewal cycle from every year to every other year.

Reasons Supporting Proposal: During a previous amendment process, a typographical error was made.

Name of Agency Personnel Responsible for Drafting: P. Lovinger, 1300 S.E. Quince Street, Olympia, WA 98504, (360) 236-4985; Implementation and Enforcement: Kirby Putscher, 1300 S.E. Quince Street, Olympia, WA 98504, (360) 236-4868.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The last time this rule was amended a typographical error was made. The rule was changed to say that the "licenses must be renewed every year...." The rule should state that the license should be renewed every other year. When the word other is added back in, it will state the correct renewal cycle for denturists.

Proposal Changes the Following Existing Rules: Adds the word "other."

**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 Pamela Lovinger, Department of Health, Health Policy and Constituent Relations, P.O. Box 47860, Olympia, WA 98503-7860, AND RECEIVED BY November 2, 1999.

August 27, 1999

M. C. Selecky

Secretary

**AMENDATORY SECTION** (Amending WSR 98-20-068, filed 10/2/98, effective 11/2/98)

**WAC 246-812-990 Denturist fees and renewal cycle.**

(1) Licenses must be renewed every other 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
Application	\$ 1,000.00
Examination	1,500.00
Reexamination, written	500.00
Reexamination, practical	500.00
License renewal	2,750.00
Late renewal penalty	300.00
Expired license reissuance	300.00
Inactive license renewal	1,500.00
Expired inactive license reissuance	300.00
Duplicate license	15.00
Certification of license	25.00
Multiple location licenses	50.00

**WSR 99-18-104**

**EXPEDITED ADOPTION**

**DEPARTMENT OF AGRICULTURE**

[Filed September 1, 1999, 10:06 a.m.]

Title of Rule: WAC 16-470-911 Schedule of fees and charges—Applicable fees and charges—Effective July 1, 1999.

Purpose: This rule establishes a fee schedule for plant pathology laboratory diagnostic services and was last amended effective July 1, 1999. The changes proposed for expedited adoption reduce two fees that were inadvertently raised beyond the fiscal growth factor in the changes effective July 1, 1999. These two erroneous fee amount were never utilized or charged.

Statutory Authority for Adoption: Chapter 17.24 RCW.  
Statute Being Implemented: Chapter 17.24 RCW.

Summary: This proposal reduces two fees. Two inadvertent typographical errors in the text of rules effective on July 1, 1999, led to adoption of two fees, both of which were above the amount allowed for the fiscal growth factor for fiscal year 2000. Neither erroneous fee amount has been charged or utilized by the department. This proposal reduces

the two fees to within the fiscal growth factor, correcting the technical errors.

Reasons Supporting Proposal: Although these two fee amounts have never been utilized or charged by the department, the rule must be amended by reducing these fees in order to bring it into compliance with current law.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Tom Wessels, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1984.

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes a fee schedule for plant pathology laboratory diagnostic services and was last amended effective July 1, 1999. The changes proposed in this filing for expedited adoption reduce two fees that were inadvertently raised beyond the fiscal growth factor in the changes effective July 1, 1999. These two erroneous fee amounts were never utilized or charged. Since they have never been utilized, there are no anticipated effects on the public or on people who voluntarily utilize this service. (Use of WSDA plant pathology diagnostic services is not mandated and submission of samples is entirely voluntary.) The only anticipated effect of this rule change is to bring the rule into technical compliance with existing law.

Proposal Changes the Following Existing Rules: The rule establishes a fee schedule for plant pathology laboratory diagnostic services and was last amended effective July 1, 1999. The changes proposed in this filing for expedited adoption reduce two fees that were inadvertently raised beyond the fiscal growth factor in the changes effective July 1, 1999. One of the two erroneous fees exceeds the acceptable amount by one cent, and the other by \$2.05. These two erroneous fee amounts were never utilized or charged.

**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 Mary A. Martin Toohey, Assistant Director, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY November 1, 1999.

September 1, 1999

Mary A. Martin Toohey  
Assistant Director

EXPEDITED ADOPTION

**AMENDATORY SECTION** (Amending WSR 99-12-035, filed 5/26/99, effective 6/26/99)

**WAC 16-470-911 Schedule of fees and charges—**

**Applicable fees and charges—Effective July 1, 1999.**

(1) Hourly rate

(a) Business hours . . . . . \$26.90

(b) Nonbusiness hours (see WAC 16-407-905) . \$34.40

(2) Laboratory diagnostic services, except as provided in subsection (3) or (4) of this section, are charged at the applicable hourly rate plus materials.

(3) Plant pathology laboratory diagnostic fees are as follows:

Identity Determination	1 sample	5 samples	10 samples	50 samples	100+samples
virus	\$80.70 ea	<del>(\$59.20)</del> \$59.15 ea	\$45.20 ea	\$17.20 ea	\$ 2.65 ea
bacteria	<del>(37.65)</del> 35.60 ea	34.40 ea	32.25 ea	31.20 ea	31.20 ea
fungus	37.65 ea	32.25 ea	31.20 ea	30.10 ea	27.90 ea
nematode	27.90 ea	25.80 ea	23.65 ea	23.65 ea	21.50 ea

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

(4) For large projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated rate.

EXPEDITED ADOPTION



**WSR 99-16-024**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)  
 (Division of Assistance Programs)

[Filed July 26, 1999, 11:14 a.m., effective September 1, 1999]

Date of Adoption: July 26, 1999.

Purpose: Correct inadvertent errors and omissions in the 388-400 series WAC and related rules. Amend 388-400 series WAC to reflect changes in program policy.

Added WAC 388-418-0012 to reflect requirement that clients be prospectively eligible for food assistance.

Citation of Existing Rules Affected by this Order:

New WAC Sections		
WAC #	WSR #	Filing Date
388-418-0012	99-12-121	6-2-99

Repealed WAC Sections		
WAC #	WSR #	Filing Date
388-478-0025	99-12-116	6-2-99

Amended WAC Sections		
WAC #	WSR #	Filing Date
388-450-0100, 388-450-0106, 388-450-0116, 388-450-0140, 388-450-0160, 388-450-0185, 388-450-0190, 388-450-0200	99-12-116	6-2-99
388-470-0025, 388-470-0035, 388-470-0045, 388-470-0055, 388-470-0075, 388-482-0005, 388-412-0005, 388-412-0015, 388-416-0005	99-12-117	6-2-99
388-450-0005, 388-450-0215, 388-450-0220, 388-450-0225, 388-450-0235, 388-450-0250	99-12-118	6-2-99
388-450-0035, 388-450-0045, 388-450-0060, 388-450-0065, 388-450-0080, 388-450-0085	99-12-119	6-2-99

388-478-0010, 388-478-0060, 388-442-0010	99-12-120	6-2-99
388-418-0030, 388-406-0015, 388-406-0035, 388-406-0040, 388-406-0050	99-12-121	6-2-99

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Adopted under notice filed as WSR 99-12-116, 99-12-117, 99-12-118, 99-12-119, 99-12-120, and 99-12-121, on June 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-470-0075 (1)(g) revised to strike the words "an elderly or" in order to comply with federal rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 19, Repealed 1; 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 37, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 18, 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 37, Repealed 1.

Effective Date of Rule: September 1, 1999.

July 26, 1999

Marie Myerchin-Redifer  
 Manager

PERMANENT

NEW SECTION

**WAC 388-418-0012 Prospective eligibility for food assistance.** (1) We determine eligibility for food assistance every month for all households based on the household's expected circumstances. This is called prospective eligibility.

(2) Households must meet all eligibility requirements in WAC 388-400-0040 or 388-400-0045 in order to be eligible for food assistance unless the household meets the categorical eligibility (CE) requirements in WAC 388-414-0001.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-418-0030 Notifying a recipient of intent to reduce, suspend or terminate assistance.** (1) For cash, medical and food assistance a ((recipient)) notice to reduce, suspend, or terminate assistance must be ((notified)) mailed to the recipient at least ten days in advance of ((an)) the 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.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-406-0015 Expedited service for food assistance.** (1) ~~((Households eligible for))~~ Expedited service means a client will have verification postponed and receive food assistance benefits by the end of the fifth calendar day from the day after the date ~~((of))~~ the application is filed. The day after that date is day one. ~~((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))~~

(2) The five-day period starts at a time after the date the application is filed in the following situations:

(a) The five-day period starts the date of the rescheduled interview when the client is screened as expedited service eligible and causes a delay by not showing for the initial interview;

(b) The five-day period starts the date identity is verified when the client causes a delay by not providing verification of identity at the interview; or

(c) The five-day period starts the date of the interview when the client:

(i) Waives the expedited interview and is found eligible for the service at the scheduled interview;

(ii) Is screened as ineligible for expedited service and later found eligible for the service at the scheduled interview;  
 or

(iii) Does not request expedited service on the application and is found eligible for the service at the interview.

(3) For SSI recipients, the five-day period begins on the date the:

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

(b) Applicant is released from a public institution.

(4) When clients request expedited service on a recertification form, the five-day period:

(a) Starts the first day of the new certification period when the recertification is made prior to the end of the current certification period;

(b) Starts the first day of the new certification period or the date of interview, whichever is later, when the client causes a delay in the recertification; or

(c) Is the same as a new application when the recertification is made after the current certification period ends.

(5) Clients are eligible for expedited service when:

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

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

(c) All household members are homeless; or

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

(6) 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.

(7) 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.

(8) Households eligible for expedited service that are not required to have an office interview will:

(a) Have a telephone interview or home visit; and

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

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

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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 (DCA), and food 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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;

(c) Approval for a medical program is not delayed pending the processing of the application for cash or food assistance.

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

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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))~~. An assistance unit has an obligation to pay shelter costs if one of the members:

(1) Owns, purchases or rents ~~((its))~~ their 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))~~ instead of a rental payment; or

(3) Is homeless. Homeless households include persons or families who:

(a) Lack a fixed, regular, and adequate nighttime residence; or

(b) Reside in a public or privately operated shelter designed to provide temporary living accommodations; or

(c) Live in temporary lodging provided through a public or privately funded emergency shelter program.

AMENDATORY SECTION (Amending WSR 99-05-074, filed 2/17/99, effective 3/20/99)

**WAC 388-478-0060 Income eligibility standards for food assistance.** (1) When ~~((an assistance unit receives))~~ all household members receive cash benefits (TANF, GA-U, GA-S, etc.) ~~((and))~~ or Supplemental Security Income (SSI), they do not have to meet the income standard.

(2) All households ~~((assistance units))~~, based on their size, must have income at or below the limits shown in column B to be eligible for food assistance, except as follows:

(a) Column C is to be used when ~~((an assistance unit))~~ a household includes a person sixty years or older, or with disabilities;

(b) Column E is to be used when determining separate household status for an elderly person and a person with permanent disability, as described in WAC 388-408-0035 (1)(d).

EFFECTIVE 10-1-98

Column A Household Size	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$ 873	\$ 671	\$125	\$1,107
2	1,176	905	230	1,492
3	1,479	1,138	329	1,877
4	1,783	1,371	419	2,262

PERMANENT



5	2,086	1,605	497	2,647
6	2,389	1,838	597	3,032
7	2,693	2,071	659	3,417
8	2,996	2,305	754	3,802
9	3,300	2,539	848	4,187
10	3,604	2,773	942	4,572
Each Additional Member	+304	+234	+94	+385

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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 an element of 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0035 Educational benefits.** This section applies to TANF/SFA, RCA, GA, TANF/SFA-related medical and food assistance programs. Unless otherwise stated, exclusions and disregards of educational benefits apply to clients engaged in undergraduate studies only.

(1) ~~((A student can))~~ We exclude the 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) We do not count 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 atten-

dance 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 is disregarded when used 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))~~ that is used for the following ~~((attendance costs))~~ expenses is disregarded in addition to the costs specified in subsection (3) of this section when the student is attending school at least half-time:

- (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

PERMANENT

(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))~~ counted as ~~((unearned income))~~:

(a) Assistance from another agency for cash and medical assistance;

(b) Earned income for food assistance if there are work requirements; or

(c) Unearned income for food assistance if there are no work requirements.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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))~~ considered as follows:

(a) Wages paid under JTPA including wages for on-the-job training are ~~((considered))~~ counted as earned income.

(b) For TANF/SFA, RCA, and GA assistance, needs based payments issued under JTPA including payments for on-the-job training 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(~~(:)~~):

(i) Living allowances and incentive payments under JTPA are excluded as income; and

(ii) Earnings received from on-the-job training programs under JTPA are:

(A) Counted as earned income for persons:

(I) Age nineteen and older; or

(II) Age eighteen or younger and not under parental control.

(B) Excluded income for persons eighteen years of age or younger and under parental control.

(2) Payments issued under the National and Community Service Trust Act of 1993 (AmeriCorps) are ~~((treated))~~ considered as follows:

(a) For cash assistance, living allowances or stipends paid under AmeriCorps are ~~((considered))~~ counted as 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))~~ counted as earned income(~~(:)~~). The payments are disregarded 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))~~ considered the same way as JTPA payments as provided in subsection (1)(b) of this section.

(5) For food assistance, training allowances from vocational and rehabilitative programs are counted as 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0060 Lump sum payments.** This section applies to TANF/SFA, RCA, GA, and TANF/ SFA-related medical, and food assistance benefits. A one-time lump sum payment is ~~((treated))~~ considered as follows:

(1) Compensatory awards or related settlements are considered countable resources as provided in WAC 388-470-0080.

(2) For food assistance, nonrecurring lump sum payments are counted as a resource in the month received unless specifically excluded as a resource in WAC 388-470-0035.

(3) 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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))~~ totaling no more than 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.

(c) For food assistance programs:

(i) Cash gifts to the assistance unit are excluded if they total thirty dollars or less per quarter;

(ii) Cash gifts in excess of thirty dollars per quarter are counted in full 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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~~) is counted as unearned income unless the following conditions are met:

(i) For TANF/SFA clients, the use of the property is part of an approved individual responsibility plan;

(ii) For food assistance clients, the client spends at least twenty hours per week managing the property; or

(iii) For RCA or GA clients, there are no specific requirements of a self-sufficiency plan or a set number of hours managing the property.

(e) Self-produced or supplied items.

(5) For food assistance, when two or more assistance units share a residence, the money paid from one assistance unit to the other assistance unit for shelter costs is roomer income when:

(a) One assistance unit owns or is buying the residence;  
or

(b) One assistance unit is renting a residence and charges the other assistance unit an amount that is in excess of the total cost of renting the residence.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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))~~ the individual responsibility plan or other plan approved by the department;

(10) Repairs to business equipment and property, excluding vehicles;

(11) Interest on business loans used to purchase income-producing property or equipment;

(12) Gross wages and salaries paid to employees who are not;

(a) Producing salable goods; or

(b) A member of the assistance unit

(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(~~(-)~~);

(a) For TANF/SFA, RCA, GA, and medical assistance, 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;

(b) For food assistance, there is no requirement for a portion of the home to be used exclusively for business. 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.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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. The gross amount of available income is counted in the month it is received.

(i) If income is usually available on a specific day, it is considered available on that date.

(ii) If income is usually received monthly or semi-monthly and the pay date changes due to a reason beyond the client's control, such as a weekend or holiday, it is counted in the month it is intended to cover rather than the month it is actually received.

(iii) If income is usually received weekly or bi-weekly and the pay date changes due to a reason beyond the client's control, it is counted in the month it is received.

~~(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))~~ (e) 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))~~ (f) 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.

(g) Potential income is income a client may have access to that can be used to reduce the need for assistance. For cash and medical programs, when the department determines that

a potential income source exists, the client may be denied assistance when the client fails or refuses to make a reasonable effort to make the income available.

(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.

(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 clients 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 medical purposes as described in 20 C.F.R. Sec. 416.1103.

(4) For medical programs, trusts are described in WAC 388-505-0595.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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;~~

~~(e)) All members are homeless as defined in WAC 388-408-0050; ((e))~~

~~(c) The only countable income is received from migrant work; or~~

~~(d) For food assistance programs the only countable income is received 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)) Cash assistance income is budgeted prospectively.~~

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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; or

~~(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)).~~

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0225 ((Budgeting income for cash assistance)) How to calculate the benefit amount for the first month of eligibility for TANF/SFA and RCA applicants.** (1) The ~~((grant))~~ benefit amount for the first calendar 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)) eligibility for TANF/SFA and RCA approved applications is the sum of:~~

~~(a) The prorated grant amount; and~~

~~(b) Approved additional requirements.~~

~~(2) The grant amount is calculated by subtracting the countable income as described in WAC 388-450-0180 from the payment standard.~~

~~(a) When the countable income is equal to or exceeds the payment standard and there are no approved additional requirements, the assistance unit is not eligible for cash assistance in the first month of eligibility.~~

~~(b) When the countable income is more than the payment standard and additional requirements are approved, the amount that exceeds the payment standard is subtracted from the additional requirements.~~

~~(c) When the countable income is less than the payment standard, the grant amount is prorated by:~~

~~(i) Dividing the grant amount by the number of days in the first month of eligibility; and~~

~~(ii) Multiplying the figure in (c)(i) of this subsection by the number of days from the date of eligibility to the last day of the month.~~

~~(3) The approved additional requirements are not prorated.~~

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0235 Discontinued income.** (1) For TANF/SFA, RCA, GA, and food assistance programs, discontinued income ~~((means))~~ is income ~~((which))~~ that was previously available to the assistance unit but ~~((is no longer received))~~ has stopped.

(2) Discontinued income affects retrospectively budgeted households as defined in WAC 388-450-0220.

(3) When the income of an assistance unit was used to determine the benefit amount in the first two months of eligibility ~~((has))~~ and stopped in one of the initial months, the income is not used to determine benefits for the following months.

~~((3))~~ (4) For food assistance ~~((programs, clients who report during the budget month that income stopped that month will not have the income counted for the))~~ discontinued income is not budgeted against the corresponding payment month if the client;

(a) Reports on the monthly report or ten days prior to the payment month that the income stopped during the budget month; and

(b) Begins to receive cash assistance or the cash grant increases as a result of the discontinued income.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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))~~ When a new member is added to an assistance unit and that person has not received benefits in the last calendar month, the new member's income is budgeted prospectively for the first two months of eligibility.

(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.

(3) When a person with income is added to the assistance unit and their income had been allocated to the assistance unit:

(a) For cash assistance continue to budget the income retrospectively;

(b) For food assistance:

(i) Discontinue the allocation effective the payment month; and

(ii) Budget the new member's income prospectively for the first two months of eligibility.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-470-0025 Excluded resources for cash assistance.** The following resources do not count toward the resource limits for cash assistance:

(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 and advanced 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((;)) and/or 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))~~ an approved self-employment plan ~~((with the department)); and~~

(c) For WorkFirst participants, the self-employment enterprise is a component of the participant's approved individual responsibility plan (IRP).

(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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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) Any other property is excluded if the household:

(a) Has offered the property for sale through a professional real estate broker; and

(b) Has not declined an offer equivalent to fair market value.

(8) 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))~~ (9) 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))~~ (10) Insurance policies and pension funds:

(a) Cash value of life insurance policies and pension funds ~~((excluding)), except~~ IRAs and Keogh Plans~~((s))~~, 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))~~ (11) 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))~~ (12) A resource is excluded when it is owned by an assistance unit member who receives TANF/SFA or SSI.

~~((12))~~ (13) Resources that are owned by persons who are not members of the household are excluded.

~~((13))~~ (14) 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))~~ (15) 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))~~ (16) 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.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-470-0045 Resources that are counted toward the resource limits for cash, food assistance and TANF/SFA-related medical programs.** (1) The following resources are counted toward the resource limits for cash, food assistance and TANF/SFA-related medical programs:

- (a) Liquid resources such as cash on hand, monies in checking or savings accounts; or
- (b) ~~((Motor home when not used as a residence; or~~
- ~~((d)))~~ Stocks or bonds minus any early withdrawal penalty.

(2) For TANF/SFA, GA, and TANF/SFA-related medical, the entire value of a motor home is counted as a resource when not used as a residence. For food assistance, a motor home is treated as a vehicle as described in WAC 388-470-0075.

(3) 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))~~ (4) 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.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-470-0055 Resources that are counted for food assistance.** The net value of 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).

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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 at least half-time 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))~~ for food assistance ~~((programs))~~, a student as defined in subsection (1) of this section must meet at least one of the following requirements:

~~((Work and receive pay for a 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))~~ Be employed for a minimum of twenty hours per week.

(b) Work and receive money from a federal or state work study program;

(c) Be responsible for the care of ~~((their child))~~ a dependent household member age five or younger;

(d) Be responsible for the care of ~~((their child))~~ a dependent household member 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))~~ a dependent household member eleven years old or younger even if child care is available;

(f) Be an adult who has parental control of a child eleven years of age or younger and neither the adult's spouse nor the child's parents reside in the home;

(g) Participate in the WorkFirst program as required under WAC 388-310-400;

(h) Receive benefits from TANF or SFA;

(i) Attend an institution of higher education through:

(i) The job training partnership act (JTPA);

(ii) Food assistance employment and training program (FS E&T);

(iii) An approved state or local employment and training program; or

(iv) Section 236 of the Trade Act of 1974.

(4) Student status:

(a) Begins the first day of the school term; and

(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.

**AMENDATORY SECTION** (Amending WSR 99-02-039, filed 12/31/98, effective 1/31/99)

**WAC 388-412-0005 General information about ~~((for))~~ cash assistance payments.** (1) Eligible clients may receive cash assistance by electronic benefit transfer (EBT) or ~~((warrants [Each separate assistance receives a separate cash benefit grant, even if there are multiple assistance units in the same residence].))~~



~~(2))~~ warrant. Each separate assistance unit receives a separate cash benefit grant, even if there are multiple assistance units in the same residence.

~~((3))~~ (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.

~~((4))~~ (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.

~~((5))~~ (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.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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))~~ up 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.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-416-0005 Certification periods for food assistance.** A certification period is the specified amount of

time the assistance unit is determined eligible. Assistance units are certified for the following periods:

(1) ~~((Up to))~~ Not more than twenty-four months for assistance units without earned income ~~((and))~~ or cash assistance when all members are elderly;

(2) ~~((Up to))~~ Not more than twelve months for assistance units~~((:~~

~~(a) Receiving cash assistance;~~

~~(b) With earned income and required to report monthly;~~

~~or~~

~~(c) Without))~~ with no earned income and all household members are disabled or elderly.

(3) ~~((Up to))~~ Not more than six months for assistance units:

~~((Assistance units))~~ Receiving cash assistance;

(b) With earned income and required to report monthly;

(c) With recent work history and required to report monthly; or

~~((b) Assistance units))~~ (d) Not likely to have any changes.

(4) ~~((Up to))~~ Not more than three months for assistance units:

(a) Consisting of migrant~~((s))~~ seasonal farmworkers;

~~((or))~~ (b) ((All other assistance units)) Containing an able-bodied adult without dependents (ABAWD);

(c) Without any income and not receiving cash assistance;

(d) With expenses that exceed income received;

(e) That are homeless or staying in an emergency or battered spouse shelter;

(f) That are staying in a non-ADATSA drug and alcohol treatment center; or

(g) Not ~~((included))~~ identified in this section.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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) "**Financially responsible person**" means a parent, stepparent, adoptive parent, spouse or caretaker relative.

(3) A "**disqualified assistance unit member**" means a person who is:

(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;

(d) A person who has been convicted in federal or state court of having made a fraudulent statement or representation about their place of residence in order to receive assistance from two or more states at the same time as defined in WAC 388-446-0010; and

(e) A person who has been convicted of unlawfully receiving public assistance as defined under WAC 388-446-0005.

~~((3) "Financially responsible person" means a parent, stepparent, adoptive parent, spouse or caretaker relative.))~~

(4) "Ineligible assistance unit member" means an individual who is:

(a) ~~((Is))~~ Ineligible for cash assistance due to citizenship/alien status requirement in ~~((chapter 388-424))~~ WAC 388-424-0005;

~~(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;~~

~~(e) 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))~~ Ineligible to receive 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))~~ (c) Ineligible to receive 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))~~ (d) Ineligible to receive 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))~~ (e) The spouse of a woman who receives cash benefits from the GA-S program; ((and

~~(h) Is)) or~~

(f) The adult parent of a minor parent's child.

**AMENDATORY SECTION** (Amending WSR 98-24-037, filed 11/24/98, effective 12/25/98)

**WAC 388-450-0106 Allocating the income of a financially responsible person included in the assistance unit to household members excluded because of their alien status.** This section applies to TANF/SFA, RCA, RMA and TANF/SFA-related medical programs.

When a financially responsible person, as defined in WAC 388-450-0100(3), is included in the assistance unit, that person's income is allocated to household members who are excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), after allowing the following deductions:

(1) The fifty percent earned income incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned;

(2) An amount equal to the difference between the payment standards:

(a) That would include the eligible assistance unit members and those individuals excluded from the assistance unit because of their alien status; and

(b) Only the eligible assistance unit members.

(3) The payment standard amount equal to the number of ineligible persons, as defined in WAC 388-450-0100 (4)(b) through ~~((h))~~ (f);

(4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for court or administratively ordered current or back support paid for legal dependents; and

(5) The employment related child care expenses for which the household is liable.

**AMENDATORY SECTION** (Amending WSR 98-24-037, filed 11/24/98, effective 12/25/98)

**WAC 388-450-0116 Allocating the income of a financially responsible person excluded from the assistance unit because of their alien status.** This section applies to TANF/SFA and RCA programs.

When a financially responsible person, as defined in WAC 388-450-0100(3), is excluded from the assistance unit because of their alien status, as defined in WAC 388-450-0100 (4)(a), that person's income, after allowing the following deductions, is countable income available to the assistance unit:

(1) The fifty percent earned income incentive for TANF/SFA assistance units or the ninety dollar work expense deduction for RCA assistance units, if the income is earned;

(2) An amount equal to the difference between the payment standards:

(a) That would include the eligible assistance unit members and those individuals excluded from the assistance unit because of their alien status; and

(b) Only the eligible assistance unit members.

(3) The payment standard amount equal to the number of ineligible persons, as defined in WAC 388-450-0100 (4)(b) through ~~((h))~~ (f);

(4) An amount not to exceed the need standard, as defined in WAC 388-478-0015, for court or administratively ordered current or back support paid for legal dependents; and

(5) The employment related child care expenses for which the household is liable.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0140 Income of ineligible assistance unit members—Food assistance.** (1) When a food assistance ~~((unit))~~ household 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))~~ household'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))~~ households benefits are not increased as a result of the exclusion of the disqualified person.

(2) When ~~((an assistance unit))~~ a household contains a person who is ineligible due to alien status ~~((or))~~, felon status as described in WAC 388-442-0010, 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) prorated among all household members (including the ineligible member, and excluding). The ineligible person's share is excluded, and the remainder is counted as income to the eligible household members;

(b) Apply the twenty percent earned income (deduction is applied) disregard to the ineligible person's earned income attributed to the (assistance unit) household; and

(c) Divide the portion of the (assistance unit's) household's allowable shelter (and dependent care expense which is paid by or billed to the ineligible person is divided) expenses evenly among all members of the (assistance unit, provided) household, when the ineligible members have income.

(3) The ineligible or disqualified ~~((assistance unit))~~ household member is not counted when determining the ~~((assistance unit's))~~ household's size for purposes of:

(a) Comparing the ~~((assistance unit's))~~ household's total monthly income to the income eligibility standards; and

(b) Computing benefits.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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) For the purpose of this rule, income of the sponsor means:

(a) Income of the sponsor; and

(b) Income of the sponsor's spouse when the spouse lives with the sponsor.

(2) Portions of the income of a sponsor ~~((and sponsor's spouse are))~~ is 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))~~ (3) 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))~~ (4) 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))~~ (4)(a) of this section is treated as unearned income.

~~((4))~~ (5) The net income in subsection ~~((3))~~ (4) 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))~~ (6) 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))~~ (7) 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0185 General information ((regarding)) about earned income disregard and income deductions for food assistance programs.** The following ~~((income deductions are used))~~ amounts are deducted from a household's income to compute food assistance program benefits:

(1) ~~((A standard deduction of))~~ One hundred thirty-four dollars per household per month (standard deduction);

(2) ~~((An earned income deduction of))~~ Twenty percent of the household's gross earned income (earned income disregard);

(3) ~~((A portion of the actual))~~ The amount of the household's incurred or expected monthly ((amount of)) dependent care ((deduction)) expense;

(a) The care must be needed for an assistance unit member to seek, accept or continue employment; or

(b) The care must be needed for an assistance unit member to attend training or education ((preparatory)) in preparation for to employment; (and)

(c) ~~((Not to exceed))~~ The expense must be payable to someone outside of the food assistance household; and

(d) The deduction cannot exceed:

(i) Two hundred dollars for each dependent ((one year of age or younger)) under two years of age; or

~~((d) Not to exceed)~~ (ii) One hundred seventy-five dollars for each ((other)) dependent age two or older.

(4) ~~((A deduction for))~~ Nonreimbursable monthly medical expenses over thirty-five dollars incurred or ((anticipated)) expected 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**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))~~ seventy-five 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.

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0200 Medical cost income deductions for food assistance.** (1) Excess medical and/or shelter deductions ~~((paid))~~ incurred 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))~~ Becomes categorically eligible due to the receipt of SSI after noncash assistance food stamps were denied as provided under ~~((chapter 388-414))~~ WAC 388-414-0001.

(2) One-time medical expenses are averaged over the certification period ~~((;))~~ or taken as a deduction at one time at the client's option.

(3) Anticipated medical expenses are averaged over the certification period.

(4) 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.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 388-478-0025

TANF payment standards for recent arrivals to Washington state.

**WSR 99-17-050  
PERMANENT RULES  
COMMISSION ON  
JUDICIAL CONDUCT**

[Order 99-01—Filed August 13, 1999, 10:06 a.m., effective September 15, 1999]

Date of Adoption: August 6, 1999.

Purpose: To amend and clarify existing rules of procedure and confidentiality, and to add a new rule for compliance proceedings.

Citation of Existing Rules Affected by this Order: Amending CJCRP Terminology, 3, 6, 7, 10, 11, 16, 17, 22, 23, and 24.

Statutory Authority for Adoption: Article IV, Section 31, Washington State Constitution.

Other Authority: Chapter 2.64 RCW.

Adopted under notice filed as WSR 99-09-050 on April 19, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 11, 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 11, Repealed 0.

Effective Date of Rule: September 15, 1999.

August 6, 1999

Gregory R. Dallaire  
Chair

COMMISSION ON JUDICIAL CONDUCT  
RULES OF PROCEDURE (CJCRP)

AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

TABLE OF RULES  
PREAMBLE  
TERMINOLOGY

SECTION I. ORGANIZATION AND STRUCTURE

RULE 1 DISCIPLINARY AUTHORITY

RULE 2 THE COMMISSION ON JUDICIAL CONDUCT

- (a) Purpose.
- (b) Jurisdiction.

RULE 3 ORGANIZATION AND AUTHORITY OF THE COMMISSION

- (a) Meetings.
- (b) Officers.
- (c) Quorum.
- (d) Powers and duties.
- (e) Recusal.

(f) Presiding Officer. Authority.

RULE 4 INVESTIGATIVE OFFICER

- (a) Appointment.
- (b) Powers and duties.

RULE 5 COMMISSION COUNSEL

- (a) Appointment.
- (b) Powers and duties.

SECTION II. GENERAL PROVISIONS

RULE 6 DISCIPLINE

- (a) Grounds.
- (b) Discipline.
- (c) Mitigating/aggravating factors.
- (d) Required appearance.

RULE 7 PROOF

RULE 8 CIVIL RULES APPLICABLE

RULE 9 RIGHT TO COUNSEL

RULE 10 EX PARTE CONTACTS

RULE 11 CONFIDENTIALITY

- (a) Proceedings.
- (b) Information.

RULE 12 [Reserved]

RULE 13 SERVICE

RULE 14 SUBPOENA POWER

- (a) Oaths.
- (b) Subpoenas for investigation, deposition, or hearing.
- (c) Enforcement of subpoenas.
- (d) Quashing subpoena.
- (e) Service, witnesses, fees.

RULE 15 [Reserved]

RULE 16 NOTIFICATION (~~(TO COMPLAINANT))~~ OF FINAL DISPOSITION

SECTION III. DISCIPLINARY PROCEEDINGS

RULE 17 SCREENING AND INVESTIGATION

- (a) General.
- (b) Screening.
- (c) (~~Notice of complaint to respondent.~~)
- ~~(d))~~ Preliminary investigation.
- ~~(d ((e)))~~ Initial proceedings.
- (e) Notice of complaint to respondent.

RULE 18 [Reserved]

RULE 19 STATEMENT OF CHARGES

- (a) General.
- (b) Amendments to statement of charges or answer.

RULE 20 ANSWER

- (a) Time.
- (b) Waiver of privilege.

RULE 21 FAILURE TO ANSWER/FAILURE TO APPEAR

- (a) Failure to answer.
- (b) Failure to appear.

RULE 22 DISCLOSURE AND DISCOVERY

- (a) Disclosure.
- (b) Discovery following statement of charges.

RULE 23 STIPULATIONS

- (a) Submission (~~(Approval)~~).
- (b) Entry of Order (~~(of discipline)~~).

RULE 24 HEARING

- (a) Scheduling.
- (b) Conduct of hearing.
- (c) Dismissal or recommendation for discipline.
- (d) Submission of the report.
- (e) Motion for reconsideration.

RULE 25 REVIEW BY SUPREME COURT

RULE 26 [Reserved]

SECTION IV. SPECIAL PROCEEDINGS

RULE 27 CASES INVOLVING ALLEGATIONS OF MENTAL OR PHYSICAL INCAPACITY

- (a) Initiation of incapacity proceedings.
- (b) Proceedings to determine incapacity generally.
- (c) Waiver.
- (d) Stipulated disposition.
- (e) Reinstatement from incapacity status.

RULE 28 REINSTATEMENT OF ELIGIBILITY

RULE 29 COMPLIANCE PROCEEDINGS

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Commission on Judicial Conduct and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

#### TERMINOLOGY

**Definitions.** In these rules: "Admonishment" means a written action of the commission of an advisory nature that cautions a respondent not to engage in certain proscribed behavior. An admonishment may include a requirement that the respondent follow a specified corrective course of action. Admonishment is the least severe disciplinary action the commission can issue.

"Censure" means a written action of the commission that requires a respondent to appear personally before the commission and that finds that conduct of the respondent violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the respondent be suspended (with or without pay) or removed. A censure shall include a requirement that the respondent follow a specified corrective course of action. Censure is the most severe disciplinary action the commission can issue.

"Chair" means one of the members elected by the commission to perform the duties of the chair and includes the acting chair.

"Commission" means the commission on judicial conduct.

"Commission counsel" means the legal advisor for the commission.

"Complaint" means information in any form from any source received by the commission that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is incapacitated. If there is no written complaint from another person, the investigator's written statement of the allegations constitutes the complaint.

"Disability" means "incapacity."

"Discipline" includes admonishment, reprimand, censure, censure with recommendation for suspension, censure with recommendation for removal, and any other sanction the commission is authorized to impose.

"Disciplinary counsel" means a lawyer retained by the commission to investigate and/or to represent the commission in designated proceedings.

"Documentary evidence" means any business record, public record, handwriting, typewriting, printing, Photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, drawings, charts, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

"Fact-Finder" means the commission, or at the discretion of the commission, a subcommittee of the commission or a master appointed by the commission. The fact-finder shall compile the evidentiary record upon which the commission shall base its decision.

"Hearing" means a public proceeding at which the issues of law and fact are tried before the commission.

"Incapacity" means any physical, mental, or emotional condition from which a respondent suffers which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. As used in these rules, "incapacity" shall have the same meaning as "disability" in Washington State Constitution, Article IV, Section 31.

"Investigation" means an inquiry, including a search for and examination of evidence concerning allegations, divided into two stages: Preliminary investigation conducted after receipt of the complaint and initial proceedings conducted after authorization from the commission.

"Investigative officer" means a person or persons employed or retained by the commission who investigates and reports the findings to the commission.

"Judge" means those officers of a judicial system who perform judicial functions and who are subject to the Code of Judicial Conduct, such as justices of the supreme court, judges of the court of appeals, judges of the superior court, judges of any court organized under Titles 3, 35, or 35A RCW, judges pro tempore, court commissioners, and magistrates. The term includes full-time and part-time judges and judges who have been or have not been admitted to the practice of law in Washington.

"Medical privilege" shall refer to any confidential, privileged communication between respondent and any health care provider recognized by law.

"Meeting" includes a regular meeting or a special meeting. Business meetings are subject to the Open Public Meetings Act, chapter 42.30 RCW. Investigations, initial proceedings, public hearings, and executive sessions involving the discipline or retirement of a judge are governed by Article IV, Section 31, of the state Constitution and are exempt from chapter 42.30 RCW.

"Member" means a member of the commission and includes alternates acting as members during a member's disqualification or inability to serve.

"Misconduct" means any conduct by a respondent constituting grounds for discipline.

"Party" means the respondent or the commission as the context suggests.

"Presiding Officer" shall be the person designated by the Chair or the Commission to perform the duties of the presiding officer for a specific matter.

"Public member" means a member of the commission who is neither a lawyer nor a judge.

"Record" means the formal statement of charges and all documents filed thereafter in a proceeding including the verbatim report of the hearing on the statement of charges if a verbatim report has been prepared.

"Reprimand" means a written action of the commission that requires a respondent to appear personally before the commission and that finds that the conduct of the respondent is a violation of the Code of Judicial Conduct and does not require censure or a recommendation to the supreme court that the respondent be suspended or removed. A reprimand shall include a requirement that the respondent follow a specified corrective course of action. Reprimand is an intermediate level of disciplinary action the commission can issue.

"Respondent" means the judge or former judge who is the subject of a complaint or statement of charges.

"Statement of charges" means the formal charges of judicial misconduct or incapacity, including any amendment thereto, filed by the commission upon a determination of probable cause.

AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

### RULE 3. ORGANIZATION AND AUTHORITY OF THE COMMISSION

(a) **Meetings.** Meetings shall be scheduled as necessary. The commission shall meet periodically as determined by the commission to consider administrative and other matters. The chair may call meetings of the commission other than regularly scheduled meetings upon the chair's own motion; the chair shall call a meeting upon the written request of three members of the commission. Business meetings may be conducted by telephone conference calls or other telecommunications means within the provisions of the Open Public Meetings Act, whereby each participant in the meeting can simultaneously hear the others and further, whereby at least one site, identified by proper notice, shall provide the capability for members of the public to hear the conference. Other meetings and executive sessions may be conducted by telephone conference calls.

(b) **Officers.** The commission shall elect one of its members to serve as chair, another to serve as vice-chair, and another to serve as secretary for such terms as the commission shall determine. The vice-chair shall perform the duties of the chair whenever the chair is absent or unable to act.

(c) **Quorum.** Six members of the commission shall constitute a quorum for the transaction of business.

A vote of six members of the commission shall be required to adopt rules.

A finding of probable cause shall require the concurrence of six members of the commission.

The concurrence of six members of the commission shall be required to make a decision in a proceeding.

The chair will arrange for an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disqualified or unable to serve. The alternate member so called upon shall have all the authority of a member of the commission during the time the member is unable to serve.

(d) **Powers and duties.** The duty and authority of the commission shall include but not be limited to:

(1) Adopting rules of procedure for discipline and incapacity proceedings;

(2) Appointing commission counsel;

(3) Employing an executive director and other staff;

(4) Appointing investigative officers;

(5) Retaining disciplinary counsel;

(6) Reviewing the recommendation of the investigative officer and/or disciplinary counsel after screening and a preliminary investigation, and either authorizing a full investigation of a complaint against a respondent in initial proceedings or dismissing the complaint;

(7) Reviewing the findings of the investigative officer and/or disciplinary counsel after a full investigation of a complaint against a respondent in initial proceedings and dismissing the matter, making a finding of probable cause, or, after making a finding of probable cause, instructing disciplinary counsel to file a statement of charges;

(8) Ruling on prehearing motions, conducting hearings on a statement of charges, and making findings, conclusions, and a decision;

(9) Where appropriate, making recommendations to the supreme court for discipline pursuant to Rule 24; or

(10) Dismissing the case.

(e) **Recusal.**

(1) A member of the commission should disqualify himself or herself if his or her impartiality might reasonably be questioned because of a conflict of interest or personal bias or prejudice.

(2) If a member who is a judge or judge pro tem becomes a respondent to a statement of allegations (Rule 17) or statement of charges (Rule 19), that member shall be disqualified from attending further meetings and shall not perform any commission duties until proceedings on the allegations and/or charges are completed. Should the member be disciplined by the commission, the issue of that member's continuing participation on the commission shall be referred to the member's appointing authority for a decision on whether the member should continue to serve on the commission on judicial conduct.

(3) Respondent may file an affidavit challenging for cause any member who respondent believes cannot impartially consider the statement of charges. The affidavit must be filed within seven days after service of the notice of hearing identifying those members assigned to conduct the hearing. The commission chair, or vice-chair, will decide any challenge for cause if the member does not disqualify himself or herself.

**(f) Presiding Officer, Authority.** The presiding officer shall have authority to:

(1) Determine the order of presentation of evidence;

(2) Identify the materials initially to be provided to the participating members;

(3) Administer oaths and affirmations;

(4) Issue subpoenas;

(5) Confer with participating panel members on all procedural matters, objections, and motions;

(6) Rule on offers of proof and receive relevant evidence;

(7) Direct the course of additional questioning of witnesses by participating panel members during the course of a public disciplinary proceeding;

(8) Take any appropriate action necessary to maintain order during the hearing;

(9) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(10) Chair the deliberations of the participating members;

(11) Announce the commission decision in an open session.

(12) Take any other action necessary and authorized by any applicable statute or rule or by the hearing panel;

(13) Waive any requirement of these rules applicable to a public proceeding unless a party shows that it would be prejudiced by such a waiver.

Comments:

The Open Public Meetings Act does not apply to Commission judicial disciplinary proceedings. Wa. Const. Art. IV Sec. 31(10); RCW 2.64.115; and RCW 42.30.140(2).

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

AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

**RULE 6. DISCIPLINE**

(a) **Grounds.** Any conduct which violates the Code of Judicial Conduct is grounds for discipline which shall be issued or administered in open session.

(b) **Discipline.** The commission shall have the authority to:

- (1) Admonish;
- (2) Reprimand;
- (3) Censure;
- (4) Censure and recommend to the supreme court the suspension of the respondent with or without pay;
- (5) Censure and recommend to the supreme court the removal of the respondent; and

(6) Impose any other sanction the commission is authorized to administer. The vote of any member of the commission to impose a particular disciplinary action shall be deemed an assent to impose all lesser disciplinary actions.

(c) **Mitigating/aggravating factors.**<sup>1</sup> Whenever the commission finds grounds for discipline, it shall consider the following nonexclusive factors in determining the appropriate discipline to be ordered:

- (1) Whether the misconduct is an isolated instance or evidence of a pattern of conduct;
- (2) The nature, extent, and frequency of occurrence of the acts of misconduct;
- (3) Whether the misconduct occurred in or out of the courtroom;
- (4) Whether the misconduct occurred in the judge's official capacity or in the judge's private life;
- (5) Whether the judge has acknowledged or recognized that the acts occurred;
- (6) Whether the judge has evidenced an effort to change or modify the conduct;
- (7) The judge's length of service on the bench;
- (8) Whether there has been prior public disciplinary action concerning the judge;
- (9) The effect the misconduct has upon the integrity of and respect for the judiciary;
- (10) The extent to which the judge exploited the judicial position to satisfy personal desires; and
- (11) Whether the judge cooperated with the commission investigation and proceeding; and((-))

(12) The judge's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith.

**(d) Required appearance.** The judge shall personally appear before the commission to receive an order imposing a reprimand or a censure.

<sup>1</sup> The factors are set forth in *In re Deming*, 108 Wn.2d 82, 119-120 (1987).

**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 Order 96-001, filed 8/13/96)

**RULE 7. PROOF**

Findings of violations of the Code of Judicial Conduct or incapacity shall be based upon clear, cogent, and convincing evidence as that term has been defined by the Washington supreme court. "Clear, cogent and convincing" has been defined to mean highly likely. A contention has been proved by clear, cogent and convincing evidence if it is established that it is highly likely to be true. This level of proof requires a greater weight of evidence than "preponderance of the evidence," which has been defined to mean that a contention is simply more likely to be true than not true, but less than the evidence required by "beyond a reasonable doubt," which has been defined to mean that a contention almost certainly is true.

Comment:

The "clear, cogent and convincing" standard is consistent with the recommendations of the American Bar Association for judicial conduct agencies<sup>2</sup> and continues to be used by the great majority of judicial conduct agencies across the United States, including the present Washington Commission. It is a standard of proof that requires more than the "preponderance" standard commonly found in civil matters but less than the "beyond a reasonable doubt" standard in criminal cases. Like the "clear preponderance" standard used in the Washington lawyer discipline cases,<sup>3</sup> both standards can be described as being an intermediate standard of proof that is lower than the beyond a reasonable doubt standard used in criminal proceedings, but more than the preponderance standard used in civil actions.

The "clear, cogent, and convincing" burden of proof standard has remained unaffected through two constitutional amendments.

<sup>2</sup> See *Professional Discipline for Lawyers and Judges*, National Center for Professional Responsibility and the American Bar Association, 1979, pages 44-45. The Commission adopted former Rule 14(d) which stated: "The fact-finder must find by clear, cogent, and convincing evidence that the judge has violated a rule of judicial conduct or that the judge has a disability which is or is likely to become permanent and which seriously interferes with the performance of judicial duties."

<sup>3</sup> RLD 4.11(b).



AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

### RULE 10. EX PARTE CONTACTS

Following filing of a statement of charges, members of the commission shall not engage in ex parte communications regarding a case with respondent, respondent's counsel, disciplinary counsel, or any witness, except that such members (~~staff~~) may communicate with staff (~~disciplinary counsel~~) and others as required to perform their duties in accordance with these rules.

**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 Order 96-001, filed 8/13/96)

### RULE 11. CONFIDENTIALITY

#### (a) Proceedings.

(1) Prior to the filing of a statement of charges, all proceedings shall be confidential except as provided in Rule 17(~~(e)~~)g.

(2) After the filing of a statement of charges, all subsequent proceedings shall be public except as may be provided by protective order. The statement of charges alleging judicial misconduct or incapacity shall be available for public inspection. The records of the initial proceedings that formed the basis of a finding of probable cause shall become public on the first day of the hearing. The hearing before the commission shall be open to the public; however, all deliberations of the commission in reaching a decision on the statement of charges shall be confidential.

#### (b) Information.

(1) Prior to the filing of a statement of charges, all information relating to a complaint shall be held confidential by the commission, disciplinary counsel, and staff, except that the commission may disclose information:

(A) When the commission has determined that there is a need to notify another person or agency in order to protect the public or the administration of justice; or

(B) Upon waiver in writing by respondent:

(i) If public statements that charges are pending before the commission are substantially unfair to respondent; or

(ii) If respondent is publicly associated with violating a rule of judicial conduct or with having an incapacity, and the commission, after a preliminary investigation, has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

(2) Except as provided in these rules, the fact that a complaint has been made, or a statement has been given to the commission, and all papers and matters submitted to the commission together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential. Any person providing information to the commission shall not disclose the existence of such investigation to a third party before the commission files a statement of charges, (~~or~~) dismisses the complaint (~~is dismissed~~), or otherwise

closes the investigation or initial proceeding. However, the person filing a complaint or giving a statement to the commission is not prohibited by these rules from informing any third party, or the public generally, of the factual basis upon which a complaint is based, or a statement is given.

(3) The commission may inform a complainant or potential witness when respondent is first given notice of misconduct or incapacity allegations.

The name of the respondent, in the discretion of the commission, shall not be used in written communication to the complainant.

(4) Disciplinary counsel's work product and records of the commission's deliberations shall not be disclosed.

(5) Investigative files and records prior to the date of the filing of the statement of charges shall not be disclosed unless they formed the basis for probable cause. Those records of the initial proceeding that were the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(6) Informal action taken by the commission prior to May 5, 1989, when amended rules were adopted eliminating private informal dispositions, may, in the commission's discretion, be disclosed to the Washington State Bar Association, American Bar Association, a judicial authority, any judicial appointive, selection or confirmation authority, or to law enforcement agencies, when required in the interests of justice, or to maintain confidence in the selection of judges or administration of the judiciary. The person to whom the information relates shall be informed of any information released.

(7) Unless otherwise permitted by these rules, or from public documents, or from a public hearing, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person violating confidentiality rules may be subject to a proceeding for contempt in superior court.

#### Comment:

The 1989 amendments to the State Constitution and to the statutes, required the Commission to make public the records of the initial proceedings upon which it based its finding of probable cause. By statute, these records become subject to public disclosure on the first day of the public fact-finding hearing. The State Constitution otherwise mandates confidentiality. The statute,<sup>4</sup> the 1989 Voter's Pamphlet description<sup>5</sup> and State Constitution do not suggest that everything in the records of the initial proceeding may be disclosed. The operative language is clearly different.

RCW 2.64.111, among others, and the constitutional amendment were presented to the voters as a "single package." The constitutional and statutory amendments read together, the described effect of the amendment in the Voter's Pamphlet, and the rules adopted by the Commission are consistent with each other: Those records of the initial proceeding that were the basis of the finding of probable cause shall become public as of the date of the fact-finding hearing. Nothing more; nothing less.<sup>6</sup> See also, Garner v. Cherberg, 111 Wn.2d 811, 820-21 (1988).

Before Commission records of the initial proceedings can be disclosed as public documents, the Commission must first make a finding of probable cause. Next, the records must be those records of the initial proceeding that were the basis of the finding of probable cause. Matters unrelated to the basis of the finding must retain their confidentiality mandated by the State Constitution. By rule, the participating commission members identify the records for the basis of their finding.

The Commission's rules mandate confidentiality on other persons only during the investigative (confidential) stages to preserve the state's compelling interest in preserving the integrity of its judiciary. The rules are narrowly tailored to achieve the state's compelling interests consistent with *Kamasinski v. Judicial Review Council*, 44 F.3d 106 (2nd Cir. 1994). First, there is no restriction concerning the substance of a person's complaint or testimony.<sup>2</sup> Second, the fact that a complaint has been filed with the Commission or testimony given to the Commission is susceptible to a limited ban. Third, information a person obtains through interaction with a judicial conduct commission is susceptible to a limited ban. The limited ban is effective only so long as the Commission acts in its investigatory capacity. After a complaint has been dismissed or the Commission takes public action, the complainant, any witness and the judge may speak freely. See *CJCRP 11 (b)(2)*. The Commission and its staff are nonetheless bound by confidentiality even though a complaint has been dismissed or proceeding concluded. The rules of confidentiality are consistent with the State Constitution and current First Amendment concerns expressed in *Kamasinski v. Judicial Review Council*, *supra*.

<sup>4</sup> RCW 2.64.111 provides in part: "As of the date of a public hearing, all those records of the initial proceeding that were the basis of a finding of probable cause are subject to the public disclosure requirements of chapter 42.17 RCW."

<sup>5</sup> "If a hearing is then held, the hearing is open to the public and all of the records of the initial proceeding that provided the basis for the Commission's conclusion are to be made public."

<sup>6</sup> In this regard *In re Deming*, 108 Wn.2d 82, 89-94 (1987) admonishes at page 93: *Const. Art 4, § 31 (amend. 71) and RCW 2.64.110 indicate that confidentiality is the norm. RCW 2.64.110 expressly provides for contempt of court proceedings against those who leak or disclose confidential information. Indeed, statements by any person on the Commission or in its employ to the news media or to any other person not in the employ of the Commission concerning a matter under investigation and violative of the statute would not only be contempt of court but a breach of duty as an employee or member of the Commission.*

<sup>7</sup> Thus, a complainant could also relate the substance of a complaint to a law enforcement official.

**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 Order 96-001, filed 8/13/96)

#### **RULE 16. NOTIFICATION (~~TO COMPLAINANT~~) OF FINAL DISPOSITION**

The commission shall notify the complainant in writing of the final disposition of a proceeding under these rules. The commission in its sole discretion may also notify another agency or person who was contacted during an investigation or initial proceeding about the disposition of a proceeding.

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

AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

#### **RULE 17. SCREENING AND INVESTIGATION**

(a) **General.** An investigative officer employed by the commission will conduct the investigation aided by disciplinary counsel if deemed appropriate by the commission.

##### **(b) Screening.**

(1) Any named or anonymous organization, association, or person, including a member of the commission or staff, may make a complaint of judicial misconduct or incapacity to the commission. A complaint may be made orally or in writing.

(2) The investigative officer shall evaluate all complaints to determine whether:

(A) The person against whom the allegations are made is a judge subject to the disciplinary authority of the commission; and either

(B) The facts alleged, if true, would constitute misconduct or incapacity; or

(C) The investigative officer has grounds to believe that upon further inquiry such facts might be discovered. If not, the investigative officer shall recommend to the commission to dismiss the matter or, if appropriate, refer the complainant to another agency.

~~(c) (**Notice of complaint to respondent.** With the approval of the commission, the investigative officer may notify respondent that a complaint has been received and may disclose the name of the individual making the complaint.~~

##### **(d) Preliminary investigation.**

(1) Upon receipt of a complaint, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. The investigative officer may interview witnesses and examine evidence to determine whether grounds exist to believe the allegations of complaints. No subpoena shall be issued to obtain testimony or evidence until authorized by a member of the commission. The investigative officer will assemble documentary evidence, declarations, sworn statements, and affidavits of witnesses for consideration by the commission. The investigative officer shall recommend to the commission that it authorize a full investigation when there is evidence supporting the allega-

tions against a respondent. The investigative officer may recommend a full investigation when there are grounds to believe that evidence supporting the allegations could be obtained by subpoena or further investigation. Where there are no such grounds, the matter shall be dismissed. Where there is a basis to proceed, the commission will forward those supporting records into the initial proceedings.

(2) If the complaint alleges that a respondent is suffering a possible physical and/or mental incapacity which may seriously impair the performance of judicial duties, or is exhibiting conduct which may be the result of such incapacity, the commission may order a respondent to submit to physical and/or mental examinations conducted at commission expense by a practitioner or health care provider selected by the commission. The failure or refusal of a respondent to submit to physical and/or mental examinations ordered by the commission may, in the discretion of the commission, preclude respondent from presenting the results of other physical and/or mental examinations on his or her behalf.

(3) Upon determination of the commission to commence initial proceedings, it shall direct the investigative officer to file a statement of allegations setting forth the nature of the complaint with sufficient specificity to permit a response.

**((e)) d Initial proceedings.**

(1) The respondent who is the subject of initial proceedings will be provided with a copy of the statement of allegations and shall be given a reasonable opportunity to respond.

(2) Within twenty-one days after the service of the notice to respondent, respondent may file a written response with the investigative officer. The proceedings will not be delayed if there is no response or an insufficient response.

(3) If the commission determines that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity, it shall order the filing of a statement of charges.

(4) Disposition after initial proceedings. The commission shall:

- (A) Dismiss the case;
- (B) Stay the proceedings; or

(C) Find that probable cause exists that respondent has violated a rule of judicial conduct or may be suffering from an incapacity that seriously interferes with the performance of judicial duties and is permanent or likely to become permanent. Upon such a finding of probable cause, the commission shall identify the records of the initial proceedings that are the basis for the finding and order the service and filing of a statement of charges. The commission shall also identify those materials and information within the commission's knowledge which tend to negate the determination of the commission.

(5) If the commission determines that there are insufficient grounds for further commission proceedings, the respondent and the person making the complaint will be so notified.

(e) Notice of complaint to respondent. With the approval of the commission, the investigative officer may notify respondent that a complaint has been received and may disclose the name of the person making the complaint. Disclosure shall be discretionary with the commission.

**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 Order 96-001, filed 8/13/96)

**RULE 22. DISCLOSURE AND DISCOVERY**

**(a) Disclosure.**

(1) **Required disclosure.** Within fourteen days after the filing of the answer, disciplinary counsel shall disclose to respondent or respondent's lawyer the records identified by the commission pursuant to Rule 17 ~~((e))d~~(4)(C), unless otherwise provided by commission protective order.

(2) Upon written demand after the time for filing an answer has expired, the commission and respondent will each disclose within fourteen days thereof, or such additional time as the commission may allow, with a continuing obligation of disclosure thereafter, the following:

(A) Names and addresses of all witnesses whose testimony that party expects to offer at the hearing;

(B) A brief summary of the expected testimony of each witness;

(C) Copies of signed or electronically or stenographically recorded statements of anticipated witnesses; and

(D) Copies of documentary evidence which may be offered.

(3) Witnesses or documentary evidence not disclosed may be excluded from evidence.

**(b) Discovery following statement of charges.**

(1) The taking of depositions, the requests for admissions, and all other discovery procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available only upon stipulation or prior permission of the presiding officer upon a showing of good cause.

(2) Absent good cause, all discovery shall be completed within sixty days of the filing of the answer.

(3) Disputes concerning discovery shall be determined by the commission or presiding officer before whom the matter is pending. These decisions of the commission may not be appealed before the entry of the final order.

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

AMENDATORY SECTION (Amending Order 96-001, filed 8/13/96)

**RULE 23. STIPULATIONS**

(a) **Submission** ~~((Approval))~~. At any time prior to the final disposition of a proceeding, respondent may stipulate to any or all of the allegations or charges in exchange for a stated discipline. The stipulation shall set forth all material facts relating to the proceeding and the conduct of respondent. The stipulation may impose any terms and conditions deemed appropriate by the commission, and shall be signed by respondent and disciplinary counsel. The agreement shall be submitted to the commission, which shall either approve

or reject the agreement. If the stipulation is rejected by the commission, the stipulation shall be deemed withdrawn and cannot be used by or against respondent in any proceedings.

(b) **Entry of Order** ~~((of discipline))~~. If the commission accepts the agreement, it shall enter an an ~~((the))~~ order ~~((disciplining respondent))~~ in ~~((an))~~ open session.

**Reviser's note:** The typographical errors in the above material 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 96-001, filed 8/13/96)

#### RULE 24. HEARING

(a) **Scheduling.** Upon receipt of respondent's answer or upon expiration of the time to answer, the commission shall schedule a public hearing and notify disciplinary counsel and respondent of the date, time, and place of the hearing. Respondent will be provided at least fourteen days notice of hearing, which will also include the name or names of the commission members and the presiding officer, if any.

(b) **Conduct of hearing.**

(1) All testimony shall be under oath.  
(2) Disciplinary counsel shall present the case in support of the statement of charges.

(3) Disciplinary counsel may call respondent as a witness.

(4) Both parties shall be permitted to present evidence and produce and cross-examine witnesses.

(5) The hearing shall be recorded verbatim. Whenever a transcript is requested by respondent, disciplinary counsel, or a member of the commission, a transcript of the hearing shall be produced at the requesting party's expense.

(6) ~~((Respondent's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith.~~

(7) Counsel may recommend and argue for a discipline appropriate to the misconduct supported by the evidence, including argument on aggravating and mitigating factors.

(8) ~~((8))~~ Disciplinary counsel and respondent may submit their respective proposed findings, conclusions, and recommendations for discipline or order of dismissal to the commission.

(9) ~~((9))~~ Where a member of the commission has not heard the evidence, that member shall not participate in any deliberations or decisions until he or she personally considers the whole record, or portion of the hearing from which that member was absent.

(10) ~~((10))~~ At least six members, or their alternates, must continually be present during presentation of testimony at the hearing.

(c) **Dismissal or recommendation for discipline.** The commission shall dismiss the case, discipline respondent, or in the case of incapacity, recommend to the supreme court the retirement of respondent.

(d) **Submission of the report.** After the hearing, the commission shall file the record of the proceeding and a decision setting forth written findings of fact, conclusions of law,

any minority opinions, and the order, within ninety days following the evidentiary hearing or after the filing of the transcript if one is requested, unless the presiding officer extends the time. The decision shall be announced in open session. If personal attendance is required, respondent shall have at least fourteen days notice of the announcement, unless otherwise agreed. A copy of the decision shall be served upon respondent.

(e) **Motion for reconsideration.** The commission decision is final fourteen days after service unless a motion for reconsideration is filed by respondent or disciplinary counsel. A motion for reconsideration, if filed, shall be specific and detailed, with appropriate citations to the record and legal authority. Any response to the motion must be filed within fourteen days after service. The motion will be decided without oral argument unless requested by the commission. If the motion for reconsideration is denied, the decision is final when the order denying the motion is filed. If the motion for reconsideration is granted, the reconsidered decision is final when filed in the commission's office.

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

#### NEW SECTION

#### RULE 29 COMPLIANCE PROCEEDINGS

(a) Whenever the commission or supreme court enters an order of discipline which includes terms and conditions that prescribes behavior for, or requires a corrective course of action by, the respondent, the investigative officer shall investigate, evaluate and report on compliance with the order. If the commission has reason to believe that further disciplinary action is appropriate, the commission shall conduct an initial proceeding. The investigation and initial proceeding shall be conducted as provided in Rule 17 and shall be confidential. Compliance proceedings shall be conducted in accordance with the procedures for disciplinary proceedings under these rules, except as provided in subsection (b).

(b) Upon application and submission of sufficient information by respondent, the commission may find that respondent has complied with or satisfied the terms and conditions of a disciplinary order. The commission may concur with the application, dispense with further compliance proceedings and enter an order certifying respondent's compliance with the disciplinary order and shall make public the application and information upon which it based its conclusions, except as otherwise provided by protective order.

(c) This rule does not limit any other power to enforce an order of the commission or decision of the supreme court.

WSR 99-18-002

PERMANENT RULES

GAMBLING COMMISSION

[Order 375—Filed August 18, 1999, 12:24 p.m.]

Date of Adoption: August 13, 1999.

PERMANENT

Purpose: This rule was amended to require food and/or drink businesses to be open to the public at all times gambling activities are operated.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-080.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 99-13-206 on June 23, 1999, with a publication of July 7, 1999.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1999

Susan Arland

Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 95-07-094, filed 3/17/95, effective 7/1/95)

**WAC 230-04-080 Certain activities to be operated as a commercial stimulant only—Licensing of food and/or drink businesses.** The commission may issue a license to operate punch boards and pull-tabs or public card rooms as commercial stimulants to any established business primarily engaged in the sale of food and/or drink items for consumption on the licensed premises. Such activities shall not be operated other than as a commercial stimulant and the food and/or drink business shall be open and providing service to the general public at all times gambling activities are operated. The following requirements apply to applicants for a license to use gambling activities to stimulate food and/or drink sales:

(1) For purposes of chapter 9.46 RCW and these rules, a business shall be presumed to be a "food and/or drink business" as defined by WAC 230-02-370 if:

(a) It is licensed by the liquor control board to sell alcohol beverages at retail to the public for on-premises consumption and:

(i) It is a tavern that holds a valid Tavern - No Persons Under 21 Allowed License (formerly referred to as a Class "B" liquor license); or

(ii) It is a restaurant with a cocktail lounge that holds a valid Spirits, Beer and Wine Restaurant License (formerly referred to as a Class "H" liquor license).

(b) It sells food and/or drink items at retail to the public and:

(i) All food is prepared and served for consumption on the licensed premises: Provided, That food may be prepared at other locations and served on the premises if the food is:

(A) Prepared by the licensed business; or

(B) Purchased from caterers by the licensed business as a wholesale transaction and resold to customers at retail.

(ii) The total gross sales of food and/or drink, for on-premises consumption, is equal to or greater than all other combined nongambling gross sales, rentals, or other income producing activities which occur on the licensed premises when measured on an annual basis. Applicants seeking qualification for a license under this subsection shall submit data necessary to evaluate compliance with these requirements as a part of their application. For purposes of determining total gross sales of food and drink for on-premises consumption, meals furnished to employees, free of charge, shall be treated as sales only if:

(A) Detailed records are maintained;

(B) The sale is recorded at estimated cost or menu price, but not more than five dollars per meal; and

(C) No more than one meal per employee is recorded during any four-hour work shift.

(2) When an individual, partnership, or corporation operates two or more businesses within the same building or building complex and such businesses meet the requirements of subsection (1)(a) or (b) of this section, one of the businesses may be designated as a "food and/or drink business" if all of the following conditions are met:

(a) The business being stimulated is physically isolated from all other businesses by walls and doors that clearly demonstrate the business is separate from other business being transacted at that location;

(b) All business transactions conducted by the applicant business are separated from the transactions conducted by all other businesses:

(i) Legally in the form of a separate corporation or partnership; or

(ii) By physical separation of all sales and accounting functions, and the methods of separation are approved by the commission;

(c) All gambling activities are located and occur upon the licensed premises, as defined in the license application and approved by the commission; and

(d) All gambling activities occur only when the food and/or drink business is open for customer service.

### WSR 99-18-003

#### PERMANENT RULES

#### GAMBLING COMMISSION

[Order 376—Filed August 18, 1999, 12:25 p.m.]

Date of Adoption: August 13, 1999.

Purpose: Changes were made to maintain consistency with chapter 10.97 RCW. Language was added to clarify that licensee and applicant conviction data submitted or obtained during the investigative process can be released through public disclosure.

PERMANENT

Citation of Existing Rules Affected by this Order:  
Amending WAC 230-04-020 and 230-60-025.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 99-13-205 on June 23, 1999, with a publication of July 7, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, 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 18, 1999

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 262, filed 12/5/94, effective 1/5/95)

**WAC 230-04-020 Certification procedure—General requirements—Mandatory training required.** Applicants for license from the commission shall submit all applications, including the proper fee, as established by WAC 230-04-202, 230-04-203 or 230-04-204 to the administrative office of the commission in Lacey. The application process is as follows:

(1) The application shall be made using a form provided by the commission. The application form must be completed in every respect, containing all the information and attachments requested;

(2) The application shall be signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete and that they assume full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts. The following person(s) shall sign the application:

(a) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation;

(b) The principal owner of a sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The mayor or the mayor's designated representative if the application is being submitted by or on behalf of an incorporated city or town.

(e) The director may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

(3) The commission will consider only those applications that have been fully completed. Failure to respond to written notification of an incomplete application, within twenty days of such notice, shall be cause for administrative closure of the application. The following reasons will cause an application to be incomplete:

(a) Failure to provide all information requested on the application form and/or attachments;

(b) Failure to provide supplemental information requested during the licensing investigation;

(c) Failure to attend mandatory prelicensing training;

(d) Failure to provide fingerprints or samples of handwriting; and

(e) Failure to submit proper fees.

(4) The commission may disclose to the public or discuss at a public meeting all information set forth in the application and all supplemental information submitted (~~(, except statements regarding arrests or convictions of any person)~~) subject to the exemptions in chapter 42.17 RCW and other applicable laws including, but not limited to, chapter 10.97 RCW: Provided, That consistent with chapter 10.97 RCW, the commission may disclose conviction data of an applicant or licensee.

(5) The commission shall not issue a license until it is satisfied that the applicant is completely qualified to operate the activity for which a license is requested. Prior to issuing a license, the commission will:

(a) Conduct a review and investigation of all information available, whether submitted as a part of the application or otherwise obtained, to the degree deemed necessary to attest to the qualification of the applicant and the gambling premises; and

(b) Require all persons who sign the application, as set out in subsection (2) of this section, plus the manager or other designated person(s) responsible for conducting the gambling activity or completing records, to complete a training course as established and provided by the commission: Provided, That mandatory training shall not be required for manufacturers; manufacturers representatives; or applicants or licensees with special circumstances as approved by the director. Mandatory training shall be completed within the following time lines:

(i) New applicants - Within sixty days of application and prior to being granted a license: Provided, That cardroom employees and bingo managers must attend training no later than thirty days after the first day of work;

(ii) Annual recertification - no later than sixty days after the effective date of the license: Provided, That only those person(s), as set out in subsection (2) of this section, which are newly designated to sign the application since the last license application shall be required to attend training if they have not attended within the previous three years; and

(iii) Changes to managers or other designated persons responsible for conducting gambling activities or completing records - no later than sixty days after the first day of work.

**AMENDATORY SECTION** (Amending Order 203, filed 1/18/90, effective 2/18/90)

**WAC 230-60-025 Public records available—Location—Time available.** All public records of the commission are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.17 RCW, and WAC 230-60-050. The records available, their location, and the times they are available for inspection as follows:

(1) Public records - The following are deemed public records:

(a) The license application form and all supplemental information submitted at the commission's request subject to the exemptions in chapter 42.17 RCW and other applicable laws including, but not limited to, chapter 10.97 RCW: Provided, ~~That ((statements regarding arrest or conviction records of persons are not public records and will not be disclosed))~~ consistent with chapter 10.97 RCW, the commission may disclose conviction data of an applicant or licensee;

(b) All activity reports and attachments required to be submitted to the commission on a periodic basis;

(c) All completed administrative proceedings; and

(d) All opinions and interpretive statements;

(e) All policies and procedures: Provided, That investigative procedures that, when disclosed, would hinder the commission's ability to conduct inspections, audits, or other investigative procedures will not be disclosed.

(2) Location of public records - All public records of the commission are located at the administrative office in Lacey.

(3) Times public records are available - All public records are available during normal office hours as set out in WAC 230-02-030: Provided, That public records may not be available during the period 12:00 noon to 1:00 p.m. unless a prior written request is made.

### WSR 99-18-008

#### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed August 19, 1999, 10:01 a.m.]

Date of Adoption: August 19, 1999.

Purpose: RCW 84.36.060 provides a property tax exemption to art, scientific, and historical collections and associations and to associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works. Section 1, chapter 306, Laws of 1995, amended this statute to also exempt from ad valorem tax property under construction or soon to be used for an exempt purpose. The revisions to WAC 458-16-280 and 458-16-282 describe the expanded exemption and its related conditions.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16-280 Art, scientific and historical collections and 458-16-282 Musical, dance, artistic, dramatic, or literary associations.

Statutory Authority for Adoption: RCW 84.36.865.

Other Authority: RCW 84.36.060.

Adopted under notice filed as WSR 99-13-017 on June 4, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 19, 1999

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

**WAC 458-16-280 Art, scientific, and historical collections.** (1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.060 to art, scientific, or historical collections.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Governmental entity" means any political unit or division of the federal, state, city, county, or municipal government.

(b) "Property" means all real and personal property exclusively used to secure, maintain, ~~((or))~~ and exhibit art, scientific, or historical collections.

(3) **Exemption for existing property.** All art, scientific, or historical collections ~~((maintained for and exhibited))~~ owned by associations maintaining and exhibiting the collections to the general public and not for profit, ~~((as well as))~~ together with all real and personal property owned by these associations and used exclusively to secure, maintain, ~~((or))~~ and exhibit the collections, shall be exempt from taxation under the following conditions:

(a) An organization, association, or corporation must be organized and operated exclusively for artistic, scientific, or historical ~~((, literary or educational))~~ purposes.

(b) The organization, association, or corporation organized and operated for artistic, scientific, or historical ~~((, literary, or educational))~~ purposes must receive a substantial part of its income from a governmental entity or through direct or indirect contributions of money, real or personal property, or services from the general public. Admission or entrance fees derived from exercising or performing its purpose or function shall not be included within the figures used to calculate "a

substantial part" of the organization's, association's, or corporation's income.

(i) For example, an art museum may receive support from a city government and from donations made by the general public in addition to general admission fees paid by visitors. When determining whether the art museum receives a substantial part of its income from a governmental entity or through contributions from the general public, the admission fees may not be considered as contributions from the general public.

(ii) Any organization, association, or corporation that relies on services donated by the general public for a substantial part for its support must maintain records identifying the individuals who donate their services and the number of hours they donate. The value of donated time will be calculated by using the federal minimum wage standard.

**(4) Exemption for property under construction or soon to be used for an exempt purpose.** Property that is being constructed, remodeled, or otherwise prepared to maintain and exhibit art, scientific, or historical collections, may qualify for exemption under certain circumstances. A nonprofit organization, association, or corporation seeking an exemption for property not currently being used for an exempt purpose may qualify if the property will be used for an exempt purpose within a reasonable period of time and proof is submitted that a reasonably specific and active program is being carried out to enable the property to be used to maintain and exhibit an art, scientific, or historical collection.

(a) Acceptable proof of a specific and active building or remodeling program shall include, but is not limited to, the following items:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation endorsing and underwriting the construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; and

(iv) Building permits necessary to begin or continue the construction or remodeling.

(b) Property under construction shall not qualify for exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise.

**(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 84.36.060.

**AMENDATORY SECTION** (Amending WSR 94-07-008, filed 3/3/94, effective 4/3/94)

**WAC 458-16-282 Musical, dance, artistic, dramatic and literary associations.** (1) **Introduction.** This section explains the property tax exemption available under the provisions of RCW 84.36.060 to organizations, associations, or

corporations (~~(that either produce or perform, or both,))~~ engaged in the production and performance of musical, dance, artistic, dramatic, or literary works.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Governmental entity" means any political unit or division of the federal, state, county, city, or municipal government.

(b) "Property" means all real and personal property exclusively used to produce or perform musical, dance, artistic, dramatic, or literary works.

(3) **Exemption.** All real and personal property owned by or leased to a nonprofit organization, association, or corporation (~~(whose purpose is either to produce or perform or to produce and perform))~~ engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public and not for profit shall be exempt from taxation under the following conditions:

(a) The property must be used exclusively to produce or perform musical, dance, artistic, dramatic, or literary works.

(b) An organization, association, or corporation must be organized and operated exclusively for musical, dance, artistic, dramatic, literary, or educational purposes.

(c) The organization, association, or corporation organized and operated for musical, dance, artistic, dramatic, literary, or educational purposes must receive a substantial portion of its income from a governmental entity or (~~through~~) from direct or indirect contributions of money, real or personal property, or services from the general public. Admission or entrance fees derived from (~~exercising~~) producing or performing (~~(its purpose or functions))~~ musical, dance, artistic, dramatic, literary, or educational works shall not be included within the figures used to calculate "a substantial part" of the organization's, association's or corporation's income.

(i) For example, a theater may receive support from a city government and from donations made by the general public in addition to ticket sales for admission to its performances. When determining whether the theater receives a substantial part of its income from a governmental entity or through contributions from the general public, the ticket sales may not be considered as contributions from the general public.

(ii) Any organization that relies on services donated by the general public for a substantial portion of its support must maintain records identifying the individuals who donate their services and the number of hours they donate. The value of donated time will be calculated by using the federal minimum wage standard.

**(4) Exemption for property under construction or soon to be used for an exempt purpose.** Property that is being constructed, remodeled, or otherwise prepared to be used by associations engaged in the production and performance of musical, dance, artistic, dramatic, literary, or educational works, may qualify for exemption under certain circumstances. A nonprofit organization, association, or corporation seeking an exemption for property not currently being used for an exempt purpose, may qualify if the property will be used for an exempt purpose within a reasonable period of



time and proof is submitted that a reasonably specific and active program is being carried out to enable the property to be used by associations engaged in the production and performance of musical, dance, artistic, dramatic, literary, or educational works.

(a) Acceptable proof of a specific and active building or remodeling program shall include, but is not limited to, the following items:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation endorsing and underwriting the construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; and

(iv) Building permits necessary to begin or continue the construction or remodeling.

(b) Property under construction shall not qualify for exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise.

**(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 84.36.060.

**WSR 99-18-017**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-123—Filed August 20, 1999, 3:44 p.m.]

Date of Adoption: August 6, 1999.

Purpose: To provide recreational opportunity by adopting WAC 232-28-423 and amending WAC 232-16-690.

Citation of Existing Rules Affected by this Order: Amending WAC 232-16-690.

Statutory Authority for Adoption: RCW 77.12.040.

Adopted under notice filed as WSR 99-13-194 on June 23, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1999

Debbie Nelson

for Kelly D. White, Chairman  
Fish and Wildlife Commission

**NEW SECTION**

**WAC 232-28-423 1999-2000 Migratory waterfowl seasons and regulations.**

**DUCKS**

**Western Washington**

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 25, 1999

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, 1 canvasback, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, 2 canvasbacks, 1 harlequin, 8 scoters, and 8 oldsquaws.

**Eastern Washington**

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 25, 1999

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, and 1 canvasback.

Possession limit: 14 ducks—to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, and 2 canvasbacks.

**COOT (Mudhen)**

Same areas, dates (including Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

**COMMON SNIPE**

Same areas, dates (except Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

**GEESE (except Brant and Aleutian Canada Geese)**

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 25, 1999, state-wide except Western Washington Goose Management Area 2

Daily bag limit: 4 Canada geese

**PERMANENT**

**Western Washington Goose Seasons****Western Washington Goose Management Area 1**

Island, Skagit, Snohomish counties

Oct. 9, 1999 - Jan. 2, 2000 for snow, Ross', or blue geese

Oct. 9, 1999 - Jan. 16, 2000 for other geese (except Brant and Aleutian Canada geese)

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese

**WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.** All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1998 authorization and returned the Harvest Report prior to the deadline will be mailed a 1999 authorization in early October. Hunters who did not possess a 1998 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and Regional offices). Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 1999 authorization before the season starts. No applications will be accepted after October 31, 1999. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 31, 2000, will be ineligible to participate in the 2000 snow goose season.

**Western Washington Goose Management Area 2**

Grays Harbor, Pacific, Wahkiakum, Cowlitz, and Clark counties, except the area of Clark County south of the Washougal River and except the area of Grays Harbor County north of U.S. Highway 12 and west of U.S. Highway 101.

Open on the following days from 8:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, Mondays, Wednesdays, and Thursdays only, Nov. 24, 1999 - Jan. 16, 2000, except closed Nov. 25 and Dec. 23-25, 1999.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

The Canada goose season for Western Washington Goose Management Area 2 will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 40

geese. The Fish and Wildlife Commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusks, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County private lands); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Gray's Harbor County). Quotas may be shifted to other zones during the season to optimize use of the state-wide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1998 written authorization will be mailed a 1999 authorization card prior to the 1999 season. New hunters and those who did not maintain a valid 1998 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be invalidated and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season and the Special Late Canada Goose Season. It is unlawful to fail to comply with all provisions listed above for Western Washington Goose Management Area 2.

**Western Washington Goose Management Area 2****Special Late Canada Goose Season**

Open to Washington Department of Fish and Wildlife Advanced Hunter Education (AHE) program graduates possessing a valid 1999 southwest Washington Canada goose hunting authorization. Hunters qualifying for the season will be placed on a list for participation in this hunt. WDFW will assist landowners with contacting qualified hunters to participate in damage control hunts on specific agricultural lands incurring goose damage.

Open to AHE hunters only in areas with agricultural goose damage in Western Washington Goose Management Area 2 on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays, January 22-March 10, 2000

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

The Special Late Canada Goose Season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1998 written authorization will be mailed a 1999 authorization card prior to the 1999 season. New hunters and those who did not maintain a valid 1998 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on training materials and testing dates/locations is available at the Olympia and Regional offices.

With written authorization, hunters will receive a Special Late Canada Goose Season authorization card and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must check in prior to the hunt, and after the hunt must go directly to the nearest check station when leaving a hunt site, before 5:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding check station reporting and recording harvest on the Harvest Report, written authorization will be invalidated and the hunter will not be able to hunt in the Special Late Canada Goose Season for the remainder of the season. It is unlawful to fail to comply with all requirements listed above for the Special Late Canada Goose Season.

### Western Washington Goose Management Area 3

Includes all parts of Western Washington not included in Western Washington Goose Management Areas 1 and 2.

Oct. 9, 1999 - Jan. 16, 2000

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

### Eastern Washington Goose Seasons

#### Eastern Washington Goose Management Area 1

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only, from Oct. 9, 1999 - Jan. 10, 2000, Nov. 11, 25, 26, 1999, and every day Jan. 10-16, 2000.

#### Eastern Washington Goose Management Area 2

Includes all other parts of Eastern Washington not included in Eastern Washington Goose Management Area 1.

Every day, from Oct. 9, 1999 - Jan. 16, 2000.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

### BRANT

Open in Skagit and Pacific counties only

Open in Skagit and Pacific counties on the following dates:

Jan. 8, 9, 12, 13, 15, 16, 17, 22, 23, 2000

In 1999, the brant wintering population in Padilla/Samish/Fidalgo bays remained below objective levels. If the 1999-2000 preseason wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the brant season in Skagit County will be closed.

**WRITTEN AUTHORIZATION REQUIRED:** All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1998 authorization and returned the Harvest Report prior to the deadline will be mailed a 1999 authorization in December. Hunters who did not possess a 1998 authorization must fill out an application (available at Washington Department of Fish and Wildlife Regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1999 authorization in early December. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 31, 2000, will be ineligible to participate in the 2000 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

### ALEUTIAN CANADA GEESE AND SWANS

Season closed state-wide.

### FALCONRY SEASONS

#### DUCKS AND COOTS (Falconry)

(Bag limits include geese, snipe, and mourning doves.)

#### Western Washington

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

**Eastern Washington**

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000  
Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.  
Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

**GEESE (Falconry)**  
(Bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 9, 1999 - Jan. 16, 2000, state-wide, except Western Washington Goose Management Area 2:

Western Washington Goose Management Area 2: Nov. 24, 1999-Jan. 16, 2000 and Jan. 22, 2000-Mar. 10, 2000; except closed Nov. 25 and Dec. 23-25, 1999.

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.  
Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

**SNIFE (Falconry)**  
(Bag limits include ducks, coots, geese, and mourning doves.)

Oct. 9-20, 1999 and Oct. 22, 1999-Jan. 23, 2000 state-wide  
Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.  
Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

**AMENDATORY SECTION** (Amending Order 98-157, filed 8/13/98, effective 9/13/98)

**WAC 232-16-690 Bayview Game Reserve.** It shall be unlawful to hunt wild animals and wild birds within the following described boundary November ~~((+))~~ 16 through March 31, and it shall be unlawful to hunt brant at any time within the following described boundary: Beginning at a point on the Bayview-Edison Road ~~((750))~~ 240 feet ~~((south))~~ north of the intersection of the Bayview Cemetery entrance road; thence 4,000 feet WNW (west-northwest); thence 5,750 feet NNW (north-northwest); thence 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay tract no. 532; thence east to the northeast corner of Padilla Bay tract no. 532; thence SSE (south-southeast) to the Bayview-Edison Road; thence southerly along said road to the point of beginning.

**WSR 99-18-019**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Order 192—Filed August 23, 1999, 8:24 a.m.]

Date of Adoption: August 20, 1999.

Purpose: To modify the rule covering the movement of oversize farm implements in order to relieve the economic hardship imposed by certain permitting requirements and

escort vehicles requirements. The proposed rule provides specific exemptions for movement of farm implements.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-290 Farm implements.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 99-14-047 on June 30, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 20, 1999

Gerald E. Smith

Deputy Secretary, Operations

**AMENDATORY SECTION** (Amending Order 46, Resolution No. 243, filed 5/20/85)

**WAC 468-38-290 Farm implements.** (1) A farm implement ((means)) includes any device that directly affects the production of agricultural products, including fertilizer and chemical applicator rigs and equipment auxiliary to them. For purposes of this section, it must weigh less than forty-five thousand pounds~~((It must)), be less than twenty feet in width, and move on pneumatic tires, or solid rubber tracks having protuberances that will not hurt the highway,~~ when on public highways ~~((and must be less than twenty feet wide)).~~

~~((Spray rigs including fertilizer or chemical applicator rigs or equipment auxiliary to any of these rigs are farm implements.~~

~~((2) Permits: Farm implements less than fourteen feet wide do not require a special permit for movement on state highways other than fully controlled limited access highways.~~

~~A quarterly or annual permit to move farm implements may be purchased by a farmer or by a person engaged in the business of selling or maintaining farm implements. Such a permit or copy will allow the person or company identified on the permit to draw, drive, or haul any farm implement on state highways.~~

~~((3) Movements of oversize farm implements are subject to the following regulations:~~

~~((a) An unescorted farm implement shall travel at least five hundred feet behind other vehicles so as to allow other drivers to pass.~~

PERMANENT

(b) If five or more vehicles line up behind a farm implement, the operator of the farm implement shall pull off the road at the first point wide enough to allow traffic to pass safely.

(c) Oversize farm implements may be moved only during daylight hours. Such movements are prohibited at the times and on those days listed in WAC 468-38-230.

The department may permit movements outside daylight hours during an emergent harvest season to a company or farmer who requests and receives permission in writing. Pilot cars are required for such movements as prescribed in subsection (4)(e) of this section.

(d) Convoying with pilot cars may be used to move farm implements. Two-way radio equipment shall be provided to the pilot cars.

(e) Lights: Requirements for hazard warning lights visible from one thousand feet, clearance lights, reflectors, and other lights shall be as prescribed in RCW 46.37.160.

(4) Flags, signs, and escorts are required for the movement of farm implements as follows:

(a) Flags: If the farm implement is over eight and one-half feet wide, it must display red flags at least twelve inches square so as to wave freely on all four corners of the vehicle and at the extreme ends of all protrusions, projections, or overhangs.

(b) Signs: If the farm implement is over eight and one-half feet wide, ~~oversize load signs visible to oncoming and overtaking traffic must be displayed. These signs must meet the requirements of WAC 468-38-190. A farm implement preceded and followed by pilot cars is not required to display such signs.~~

(c) Escort cars: On two-lane state highways, escort cars must precede and follow if the farm implement is over twelve and one-half feet wide. Vehicles or loads whose width is between ten and twelve and one-half feet are exempt from having escort cars only when operating within fifty miles of the business owning the equipment.

On multiple-lane state highways, one escort car in the rear is required if vehicle or load is more than fourteen feet wide.

Other requirements for escort cars and their operation are prescribed by WAC 468-38-110.

When approval to use a flagperson instead of an escort vehicle is given, the permit shall specifically state that exemption:

(d) Posting a route may be used in lieu of escort cars if the route to be traveled is less than two miles. Signs reading ~~oversize vehicle moving ahead~~ on a square at least three feet on each side shall be placed at points before the oversize farm implement enters or leaves the highway and at any entry points along the way. These signs must be removed immediately after the oversize movement has been completed.)) (2) Self-propelled farm implements, including a farm tractor pulling no more than two implements (no vehicle capable of carrying a load may pull more than one trailing implement, i.e., a truck of any kind) up to sixteen feet wide are exempt from acquiring a special motor vehicle permit for movement: Provided, That the movement of the implement(s) complies with the following safety requirements:

(a) Oversize signs: If the farm implement exceeds ten feet wide, it must display an "oversize load" sign(s) visible to both oncoming and overtaking traffic. Signs must comply with the requirements of WAC 468-38-190. If the implement is both preceded and followed by escort vehicles a sign will not be required on the implement itself.

(b) Curfew/commuter hours: Movement of a farm implement in excess of ten feet wide must also comply with any published curfew or commuter hour restrictions.

(c) Red flags: If the farm implement, moving during daylight hours, exceeds ten feet wide, the vehicle configuration must display clean, bright red flags at least twelve inches square, so as to wave freely at all four corners, or extremities, of the overwidth implement and at the extreme ends of all protrusions, projections or overhangs. If the transported implement exceeds the end of the trailer by more than four feet, one flag is required at the extreme rear, also, if the width of the protrusion exceeds two feet, there shall be required two flags at the rear of the protrusion to indicate the maximum width.

(d) Warning lights: Lamps, and other lighting must be in compliance with RCW 46.37.160 Hazard warning lights and reflectors on farm equipment—Slow moving vehicle emblem. The slow moving vehicle emblem is for equipment moving at a speed of twenty-five miles per hour or less.

(e) Convoys: Farm implement convoys shall maintain at least five hundred feet between vehicles to allow the traveling public room to pass safely. If five or more vehicles become lined up behind an implement, escorted or unescorted, the driver/operator of the transported implement, and escorts, if any, shall pull off the road at the first point wide enough to allow traffic to pass safely. Convoying of farm implements is permitted with properly equipped escort vehicles.

(f) Escort vehicles: In general, the use of escort vehicles must comply with WAC 468-38-110 Escort vehicle requirements and WAC 468-38-100, which covers when escort vehicles are required. The following specific exemptions are provided:

(i) A farmer operating his own equipment, or operated by his employee (to include farmers working in a cooperative effort with their neighbors, but not to include commercial for hire farming operations), in transport between his own fields, is exempt from WAC 468-38-110 (5)(a) and (b), (6), (11)(e), and (16)(a) and (b) when operating off of the interstate and on the following rural interstate segments:

I-90 between Exit 109 (Ellensburg) and Exit 270 (Tyler);

I-82 between junction with I-90 (Ellensburg) and Exit 31 (Yakima);

I-82 between Exit 37 (Union Gap) and Exit 102 (West Richland);

I-82 between Exit 114 and the Washington/Oregon border;

I-182 between junction with I-82 (West Richland) and junction with SR-395;

I-5 between Exit 208 (near Marysville) and Exit 250 (near Bellingham).

(ii) On two-lane highways, one escort vehicle must precede the implement(s) and one escort vehicle must follow the

implement(s) when the width exceeds twelve and one-half feet wide; implements not exceeding twelve and one-half feet wide are exempt from using escort vehicles.

(iii) On multiple-lane highways, one escort in the rear is required if the vehicle exceeds fourteen feet wide.

(iv) A flagperson(s) may be used in lieu of an escort(s) for moves of less than five hundred yards. This allowance must be stated on any permit that may be required for the move.

(g) Road posting: Posting a route may be used in lieu of escort vehicles if the route to be traveled is less than two miles. Signs reading "oversize vehicle moving ahead" on a square at least three feet on each side (in diamond configuration), with black lettering on orange background, shall be placed at points before the oversize implement enters or leaves the highway and at any entry points along the way. The signs must be removed immediately after the move has been completed.

(3) Farm implements exceeding sixteen feet wide, but not more than twenty feet wide, are required to have a special motor vehicle permit for movement on state highways. A quarterly or annual permit may be purchased by a farmer, or any person engaged in the business of selling and/or maintaining farm implements, to move within a designated area, generally three to four counties. The permit is required to be physically present at the time of movement. In addition to the safety requirements listed in subsection (2) of this section, notification of a move must be made to all Washington state patrol detachment offices or Washington department of transportation maintenance areas affected by the move, to determine if the route is passable. Phone listings are provided with each permit.

### WSR 99-18-026

#### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed August 24, 1999, 9:26 a.m.]

Date of Adoption: August 4, 1999.

Purpose: Adoption of agency rules as described in RCW to make towing DUI/suspended drivers' vehicles' mandatory. Secondly, to allow hardship cases to be decided by the appropriate district commander.

Statutory Authority for Adoption: RCW 46.55.113, 46.55.120.

Adopted under notice filed as WSR 99-13-134 on June 17, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 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 23, 1999

Annette M. Sandberg  
Chief

### Chapter 204-96 WAC

#### VEHICLE IMPOUNDS

#### NEW SECTION

**WAC 204-96-010 Vehicle impounds.** When a driver of a vehicle is arrested for a violation of:

- RCW 46.61.502 Driving under the influence,
- RCW 46.61.504 Physical control of vehicle under the influence,
- RCW 46.20.342 Driving while license suspended or revoked,
- RCW 46.20.420 Operation of motor vehicle under other license/permit prohibited while suspended or revoked,

the arresting officer shall cause the vehicle to be impounded.

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be impounded, but no suspended driver hold shall be placed on the vehicle. If the driver is also the registered owner then the vehicle shall be held until all outstanding penalties, fines, and forfeitures owed by him/her are satisfied. The driver/registered owner must present proof from a court of law that he/she has no outstanding penalties, fines, or forfeitures.

If the driver is arrested for a violation of RCW 46.20.342 (1)(c) (3rd degree suspended/revoked) and has any prior convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has no convictions for violations of RCW 46.20.342 in the past five years, the vehicle shall be held for thirty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) in the past five years, the vehicle shall be held for sixty days.

If the driver of the vehicle is arrested for a violation of RCW 46.20.342 (1)(a) or (b) (1st or 2nd degree suspended/revoked) and has been convicted of a violation of RCW 46.20.342 (1)(a) or (b) two or more times in the past five years, the vehicle shall be held for ninety days.

The release of all vehicles impounded under this WAC shall be governed by RCW 46.55.120. Commercially rented vehicles may be impounded, however no suspended driver holds shall be placed upon the vehicle. The rental company shall be notified by phone.

A vehicle may be released prior to the mandated hold period if the spouse of the arrested driver establishes economic or personal hardship with the district commander of the district in which the vehicle was impounded. In making a hardship determination, the district commander shall consider public safety factors, including the driver's criminal history and driving record. All hardship release requests shall be in writing. Any denial or approval of a hardship release shall be in writing and shall include factors considered by the district commander in reaching the decision.

### WSR 99-18-027

#### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed August 24, 1999, 9:27 a.m.]

Date of Adoption: August 4, 1999.

Purpose: To allow slightly blue tinted headlamps that meet FMVSS and SAE standards.

Citation of Existing Rules Affected by this Order: Amending WAC 204-10-020 and 204-90-140.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.320.

Adopted under notice filed as WSR 99-13-135 on June 17, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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 23, 1999

Annette M. Sandberg  
Chief

**AMENDATORY SECTION** (Amending WSR 98-19-040, filed 9/11/98, effective 10/12/98)

**WAC 204-10-020 Lighting devices.** Aftermarket neon lighting devices may not be used on motor vehicles while they are in motion on public roadways.

(1) Federal Motor Vehicle Safety Standard (FMVSS) 108 ~~((is))~~ and Society of Automotive Engineers (SAE) J 578 are hereby adopted by reference as the standards for the following aftermarket lighting devices:

- (a) Headlamps ~~((shall be white only)) (SAE J578))~~
- (b) Taillamps
- (c) Stoplamps
- (d) License plate lamps
- (e) Turn signal lamps
- (f) Side marker lamps
- (g) Intermediate side marker lamps
- (h) Backup lamps
- (i) Identification lamps
- (j) Clearance lamps
- (k) Parking lamps
- (l) Reflex reflectors
- (m) Intermediate reflex reflectors
- (n) Intermediate side reflex reflectors
- (o) Intermediate side marker reflectors
- (p) Turn signal operating units
- (q) Turn signal flashers
- (r) Vehicular hazard warning signal operating units
- (s) Vehicular hazard warning signal flashers

~~((2) Canadian Standards Association Standard D106.2 is hereby adopted by reference as the standard for the following lighting devices:~~

- ~~(a) Aftermarket headlamps (quartz-halogen nonsealed beam shall be white only);~~
- ~~((i)) (1) Motorcycle headlamps ((may comply with either Federal Motor Vehicle Safety Standard 108 or Canadian Standard D106.2;~~
- ~~(b) Fog lamps. Fog lamps may comply with either Standard D106.2 or SAE Standard J583 as set forth in subsection (3)(a) of this section.~~

~~((3)) (2) Society of Automotive Engineers standards are hereby adopted by reference as the standard for the following lighting devices:~~

- (a) Fog lamps (SAE J583), aftermarket fog lamps shall be white to amber only
- (b) Fog tail lamps (SAE J1319)
- (c) Auxiliary driving lamps (SAE J581), shall be white only and are not intended to be used alone or with the lower beam of a standard headlamp system
- (d) Auxiliary low beam lamps (or auxiliary passing lamps) (SAE J582)
- (e) Spot lamps (SAE J591)
- (f) Cornering lamps (SAE J852)
- (g) Supplemental high-mounted stop and rear turn signal lamps (SAE J1957 and J2068)
- (h) Side turn signal lamps (SAE J914)
- (i) 360 degree emergency warning lamps (SAE J845)
- (j) Flashing warning lamps for agricultural equipment (SAE J974)

PERMANENT

(k) Flashing warning lamps for authorized emergency, maintenance, and service vehicles (SAE J595)

(l) Flashing warning lamp for industrial equipment (SAE J96)

(m) Warning lamp alternating flashers (J1054)

(n) Green lamp for use on volunteer fireman's private vehicle (SAE J595) - flashing warning lamps for authorized emergency, maintenance, and service vehicles.

(i) Color of the lens shall be green as that color is described in SAE Standard J578 (Color specifications for electric signal lighting devices) rather than red or amber as specified in SAE J595.

(o) Side cowl, fender, or running board courtesy lamps (SAE J575)

((4)) (3) Standards promulgated by the commission on equipment for the following lighting devices shall be as set forth in the Washington Administrative Code chapters as indicated:

(a) Deceleration alert lamp system (chapter 204-62 WAC)

(b) Headlamp modulator (chapter 204-78 WAC)

(c) Headlamp flashing system (chapter 204-80 WAC)

(d) School bus warning lamps (chapter 204-74 WAC)

(e) Additional hazard strobe lamp. Municipal transit vehicles (as defined in RCW 46.04.355) may be equipped with a single additional hazard strobe lamp. Such lamps must meet the Class I requirements of SAE Standard J1318

(i) A clear lens strobe lamp, less than eight inches in height, may be mounted on the centerline of the roof in the rear one-half of the bus

(ii) The hazard strobe lamp will be activated by a switch independent of all other lamp switches. The hazard strobe lamp switch shall be plainly labeled and have a pilot lamp that shall indicate when the lamp is in operation

(iii) The use of a hazard strobe lamp is permitted only when the bus is occupied with passengers and one or more of the following conditions exist:

(A) The bus is in motion in inclement, sight obscuring conditions, including, but not limited to rain, fog, snow, and smoke;

(B) There is a need to improve the visibility of the bus when stopping, standing, or starting onto a highway or there is limited visibility caused by geographic hazards, such as winding roadways, hills, trees, etc.

The strobe lamp shall not be activated solely because of darkness.

**AMENDATORY SECTION** (Amending WSR 98-04-052, filed 1/30/98, effective 3/2/98)

**WAC 204-90-140 Electrical system requirements.**

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

(1) Dimmer switch: The headlamp circuit shall be equipped with a driver-controlled high and low beam selector switch unless the vehicle is equipped with single beam headlamps.

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

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

(4) Headlamp system: Aftermarket headlamps shall ~~((be white only))~~ comply with Federal Motor Vehicle Safety Standard (FMVSS) 108 and Society of Automotive Engineer (SAE) J578. A special motor vehicle shall be equipped with two headlamp units or two pairs of headlamp units mounted at the same height, equidistant of each side of the vertical centerline, and as far apart as practical. Headlamp systems shall conform to the requirements of chapter 46.37 RCW. The headlamps shall be mounted on the front forward of the windshield in a plane through the longitudinal centerline of the vertical. The headlamps shall be mounted not less than 24 inches nor more than 54 inches (72 inches for trucks) above the road surface when measured to the headlamp center. Lamp sub-body(ies) shall be constructed with adequate adjustments to afford proper aiming of the headlamp(s) in compliance with chapter 204-72 WAC. Alternative headlamp systems shall comply with FMVSS 108.

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

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

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

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

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

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

(11) Stop lamps: Two red stop lamps, in compliance with FMVSS 108, shall be mounted on the rear, one on each side equidistant from the vertical centerline of the vehicle, at the same height, and as far apart as practical. The stop lamps shall be mounted not less than 15 inches nor more than 72 inches above the roadway. Type I vehicles, which were originally equipped with only one stop lamp, need not be



equipped with two lamps, providing the lamp is located in accordance with the original design configuration.

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

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

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

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

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

### WSR 99-18-028

#### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed August 24, 1999, 9:27 a.m.]

Date of Adoption: August 4, 1999.

Purpose: 1. To change the reference from "commission on equipment" to the agency name.

2. To exempt buses that do not stop upon the roadway to load or discharge passengers from the requirements of WAC 204-32-040 and 204-32-060.

Citation of Existing Rules Affected by this Order: Amending WAC 204-32-020, 204-32-040, and 204-32-060.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.290.

Adopted under notice filed as WSR 99-13-133 on June 17, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 23, 1999

Annette M. Sandberg  
Chief

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-020 Standards for signal lamps.** The signal lamps required on private carrier buses shall be constructed in conformance with the society of automotive engineers standard for "school bus red signal lamps," in effect at the time of manufacture of such lamps. All lamps used as signal lamps shall be of a type approved by the ((state commission on equipment)) Washington state patrol.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-040 Mounting and activation of warning devices.** (1) Stop signal

(a) The stop signal shall be mounted on the left side of the bus just below the window line and adjacent to the driver of the bus.

(b) The stop signal shall be hinged at the front edge of the sign.

(c) The stop signal shall be manually controlled by the driver of the bus and shall be so constructed as to lock in an extended position perpendicular to the side of the bus and to also lock in the closed position parallel to the side of the bus.

(2) Signal lamps

(a) The signal lamps shall be mounted on the front and rear of the bus, above the windows, as high and as widely spaced laterally as practicable but in no case shall the lateral spacing of these lamps be less than 40 inches.

(b) Signal lamps shall be mounted so that the vision of front signals to the front and rear signals to the rear shall be unobstructed by any part of the vehicle from 5 degrees above to 10 degrees below the horizontal and from 30 degrees to the right to 30 degrees to the left of the center line of the bus.

(c) The switch which activates the signal lamps shall be actuated by movement of the stop signal to the extended position.

(d) There shall be no switch between the signal lamps and the switch which activates these lamps when the stop signal is extended.

(e) There shall be a flashing red indicator lamp on the instrument panel of the vehicle which will indicate to the driver that the signal lamps are operating.

(f) The signal lamps shall operate through a flasher unit which will cause the front signal lamps to flash alternately and the rear signal lamps to flash alternately at a rate no slower than 60 nor faster than 120 times per minute. The "on" period of the flasher shall be long enough to permit the bulb filament to come up to a full brightness.

(g) Signal lamps shall be aimed 2 inches below level at 25 feet and straight ahead. An aiming tolerance of from 3 inches up to 7 inches down and 10 inches right or left will be allowed.

EXCEPTION: Buses that do not stop upon the roadway to load or discharge passengers are exempt from the requirements of this section.

AMENDATORY SECTION (Amending Order 7001, filed 6/10/70, effective 7/15/70)

**WAC 204-32-060 Warning sign.** Every private carrier bus shall be equipped with a sign on the rear of the bus which shall bear the words "**unlawful to pass bus when red lights flash.**" The sign shall be 16 inches vertically and 32 inches horizontally. The sign shall have a background of silver retro-reflective-reflex reflective sheeting. The lettering shall all be size 3 inch B. Line one shall have the letters "**unlawful to**" in black. Line two shall have the letters "**pass bus when**" in black. Line three shall have the letters "**red lights flash**" in red.

EXCEPTION: Buses that do not stop upon the roadway to load or discharge passengers are exempt from the requirements of this section.

**WSR 99-18-029**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed August 25, 1999, 8:22 a.m.]

Date of Adoption: August 24, 1999.

Purpose: To clarify and revise the process for approval of insignia on state owned vehicles under ten thousand pounds gross weight.

Citation of Existing Rules Affected by this Order: Amending WAC 236-20-020, 236-20-030, and 236-20-240.

Statutory Authority for Adoption: RCW 46.08.065.

Adopted under notice filed as WSR 99-13-167 on June 22, 1999.

Changes Other than Editing from Proposed to Adopted Version: Item J. on second page.

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 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 18, 1999

John A. Lungo

Acting Fleet Manager

AMENDATORY SECTION (Amending Order 75-8, filed 11/17/75)

**WAC 236-20-020 Definitions.** Agencies—As used in this chapter, the word "agencies" includes state departments, offices, agencies, boards, commissions or institutions financed in whole or in part by funds appropriated by the legislature.

**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 75-8, filed 11/17/75)

**WAC 236-20-030 Approval of distinctive insignia.** Agencies may request approval of a distinctive insignia in lieu of the state seal in marking vehicles. A standard decal must include the words "State of Washington", agency's name and "for official use only". The request for approval shall be sent to the ((department of general administration)) the director of general administration. ((and shall include the number of vehicles to be marked and a description of the heraldry aspects of the insignia.)) A scale drawing in color, or other example, shall accompany the request. The ((department of general administration)) director or designee will ((review)) approve or deny the request ((, and, if it deems the insignia to be appropriate and the request meritorious it will submit the insignia to the next meeting of the automotive policy board for its consent.)) and notify the agency.

**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 75-8, filed 11/17/75)

**WAC 236-20-040 Exceptions to marking requirements.** (1) Requests for exceptions ((to vehicle marking requirements for vehicles used for law enforcement, confidential public health work, and public assistance fraud or

~~support investigative purposes shall)) shall be forwarded to the director of general administration by the head of the agency owning or controlling the vehicle. ((Vehicles will be identified by make, model, year and state license number. The justification will include type of activity in which the vehicle will be used, percentage of time used in this activity, general areas where the activity will take place, and location where the vehicle will be garaged when not being used for official business.)) Requests for exceptions normally will not be granted unless the vehicle is used more than 50% of the time for law enforcement, confidential public health work, public assistance fraud or support investigative purposes.~~

(2) Vehicles leased or rented on a casual basis for a period less than ninety days and not issued a state exempt license plate need not be marked.

(3) Vehicles issued confidential license plates under the provisions of section 2, chapter 169, Laws of 1975 1st ex. sess. and chapter 46.08 RCW, are exempt from marking requirements.

((4) ~~The above exceptions are the only exceptions to the marking requirements which will be granted.~~))

**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 99-18-030

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed August 25, 1999, 10:29 a.m.]

Date of Adoption: August 25, 1999.

Purpose: Repeals rule that sets a formula for assessing a civil penalty under RCW 15.36.471. The rule language is not clear and the formula is very confusing and difficult to apply. The penalty covers violations of components of dairy products and the department no longer routinely tests dairy products for component parts, so the rule is unnecessary. If the department again becomes able to enforce component parts of dairy products violations, a new rule that is clear and uniform could be promulgated.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-101-690.

Statutory Authority for Adoption: RCW 15.36.020.

Adopted under preproposal statement of inquiry filed as WSR 99-13-176 on June 23, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 25, 1999

William E. Brookreson

for Jim Jesernig

Director

### WSR 99-18-031

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed August 25, 1999, 10:32 a.m.]

Date of Adoption: August 25, 1999.

Purpose: Repeals rule sections that relate to Hobart testing of milk for butterfat. The rule merely gives a recipe for running the Hobart test. This information is well known and serves no purpose in the form of a rule at the present time. Retains WAC 16-124-011 that sets expiration dates for dairy technician license.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-124-001, 16-124-010, 16-124-020, 16-124-030, 16-124-040, 16-124-050, 16-124-060, 16-124-070, 16-124-080, 16-124-090, 16-124-100, 16-124-110, 16-124-120, 16-124-130, 16-124-140, 16-124-150, 16-124-160, 16-124-170, 16-124-180, and 16-124-190.

Statutory Authority for Adoption: RCW 15.36.020.

Adopted under preproposal statement of inquiry filed as WSR 99-13-175 on June 23, 1999.

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 20.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 20.

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 20.

Effective Date of Rule: Thirty-one days after filing.

August 25, 1999

William E. Brookreson

for Jim Jesernig

Director

**WSR 99-18-032**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 25, 1999, 10:51 a.m.]

Date of Adoption: August 25, 1999.

Purpose: Scheduled review of existing rule to update requirements and references, clarify language used in rule and to repeal unnecessary requirements.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-125-040, 16-125-050, 16-125-060, 16-125-070, 16-125-080, 16-125-090, and 16-125-100; and amending WAC 16-125-010, 16-125-020, 16-125-030, 16-125-120, 16-125-200, and 16-125-210.

Statutory Authority for Adoption: RCW 15.36.020.

Adopted under notice filed as WSR 99-14-072 on July 6, 1999.

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 6, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 6, Repealed 7.

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 6, Repealed 7.

Effective Date of Rule: Thirty-one days after filing.

August 25, 1999

William E. Brookreson  
for Jim Jesernig  
Director

### Chapter 16-125 WAC

#### FARM MILK STORAGE TANKS AND BULK MILK TANKER—REQUIREMENTS

AMENDATORY SECTION (Amending Order 1840, filed 9/5/84)

**WAC 16-125-010 Definitions.** (1) "Director" means the director of the department of agriculture (~~(of the state of Washington)~~), or his/her duly authorized representative.

(2) "Bulk milk hauler" means the (~~(person)~~) licensed dairy technician who has primary responsibility for the measuring, weighing, or grading of milk and the collection of samples at the farm (~~(and is properly licensed by the director)~~).

(3) "Bulk milk hauling" means the transportation of milk or milk products from the (~~(place where it is produced)~~) producer to a milk processing plant or between milk processing plants, (~~(performed)~~) by vehicles belonging to an individual

or corporation operating under (~~(permit from the director)~~) a bulk milk hauler's license.

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the (~~(Journal of Food Protection)~~) Dairy Food and Environmental Sanitation magazine of the International Association of Milk, Food and Environmental Sanitarians (IAMFES).

AMENDATORY SECTION (Amending Order 1283, filed 1/29/73)

**WAC 16-125-020 Construction.** All new farm tanks must conform with the 3-A sanitary standards for farm milk cooling and holding tanks. Whenever a ladder or platform is needed for sampling, measuring or other purposes, it must be permanently attached to the tank or a wall. All calibrated rods (~~(and)~~) must be identified with the serial number of the tank. Sight glass tubes must be of one-piece construction and permanently attached to the farm tank. All sight glass tubes must be cleaned with a Clean-in-Place (C.I.P.) system.

AMENDATORY SECTION (Amending Order 1283, filed 1/29/73)

**WAC 16-125-030 Installation.** Before any person installs a new tank or relocates a used tank, he or she must file (~~(with the director)~~) drawings and detailed information about where and how the milk storage tank is to be (~~(put on the farm)~~) installed with the director. There (~~(shall)~~) must be a minimum of two feet clearance between the sides of the tank and the walls of the milkhous or other permanent equipment and a minimum of three feet on the working side of the tank and at the outlet valve (~~(and)~~). Adequate additional space necessary for normal milkhous operations (~~(is to)~~) must be provided. There (~~(shall)~~) must be at least 30 inches clearance between the top of the pouring tank lip and the ceiling (~~(and)~~). Adequate space must be provided above the tank to accommodate (~~(the length of)~~) the measuring rod.

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter 19.94 RCW applicable to installation and use shall be applicable.

#### NEW SECTION

**WAC 16-125-035 Farm tank pickup and washing requirements.** (1) All milk must be picked up at least every forty-eight hours from farm tanks.

(2) All farm tanks must be emptied, washed and sanitized at least once every forty-eight hours.

AMENDATORY SECTION (Amending Order 1840, filed 9/5/84)

**WAC 16-125-120 Bulk milk tanker requirements.** All bulk milk tankers operating in the state of Washington (~~(shall)~~) must comply with the provisions of 3A standard (~~(05-13)~~) 05-14. Additional requirements are:

PERMANENT

(1) Trucks and trailers with remote pumps, mounted on tractor or front trailer, and a system of external hoses and/or piping may be used: Provided, That

(a) External flexible hoses meet the following requirements:

(i) Hoses are the thick walled rubber type and meet 3A standards ~~((18-00,))~~ 18-01, 62-01 and 63-01 except for pump box hoses.

(ii) Hoses are capped with a sanitary cap when not in use.

(b) Piping along the length of the trailer is of the fixed type and meets the following requirements:

(i) The pipe is stainless steel and meets the requirements of 3A standards ~~((09-07 and 33-00))~~ 63-02 and 33-01. Other materials may be used ~~((after approval has been received from))~~ if they are approved by the Milk Safety Branch of the Food and Drug Administration.

(ii) The sanitary piping is enclosed in an insulated holder and both the sanitary piping and the holder are capped with a dust tight cap when disconnected.

(c) Sanitary air ~~((which))~~ that meets the requirements of 3A standard ~~((604-03))~~ 64-04 may be used to remove residual milk from the external piping system.

(d) Any milk in the external piping system that exceeds forty-five degrees Fahrenheit is discarded.

(e) Adequate facilities ~~((shall))~~ must be provided at all receiving stations for the proper cleaning and ~~((sanitization))~~ sanitizing of tankers including the external lines and valves.

(2) All external valves on a tanker ~~((shall))~~ must be provided with a means of protection against dust, dirt, and road debris.

(a) Outlet valves ~~((shall))~~ must be protected by dust tight covers ~~((which))~~ that will comply with 3A standard ~~((05-13))~~ 05-14.

(b) Inlet valves and valves with attached hoses ~~((shall))~~ must be protected by a relatively dust tight cover. This cover may be:

(i) Stainless steel with an opening for the connection of hoses ~~((which))~~ that is sealed with a flexible material that will prevent the entrance of dust, dirt, or road debris.

(ii) A flexible mounting made of rubber or other approved material ~~((which))~~ that is close fitting, smooth, impervious, and easily removable for cleaning.

(iii) Any other ~~((type))~~ cover for which plans have been submitted to and approved by the director.

(c) All valves not connected to hoses ~~((shall))~~ must have a sanitary cap and an approved dust cover on them.

(3) Markings on each truck or trailer ~~((shall))~~ must be sufficient to ~~((allow inspection personnel to))~~ identify the owner of the truck or trailer.

(4) Cleaning and bactericidal treatment of all product contact surfaces including valves, hoses, covers, connections, appurtenances, pumps, and pump compartment of each tanker, when used, ~~((shall))~~ must be accomplished at least once every twenty-four hours ~~((by the receiving plant))~~ after first use. If the tanker is not used for hauling milk for seventy-two hours after cleaning and sanitizing it must be sanitized again before it may be used for hauling milk. After sanitization each tanker ~~((shall))~~ must be tagged to show the date washed, place washed, and initials or signature of the person who washed the tanker. This wash tag ~~((shall))~~ must not be

removed until the tanker is rewashed. It shall be the responsibility of the bulk milk hauler to ensure that the wash tag is present and that the tank is in fact clean prior to commencing his route.

(5) ~~((For violations of WAC 16-125-120 a condemnation tag shall be affixed to the tanker outlet valve by the director. Any tanker so tagged may not be used to transport grade A milk until the violation(s) have been corrected and the condemnation tag removed by the director.~~

(6) ~~In the event of serious or repeated violations of WAC 16-125-120 the contents of the tanker shall be lowered to Grade C.~~

(7) ~~Any Grade A plant or receiving station unloading milk from a tanker bearing a condemnation tag or from a tanker that has not been properly cleaned may have that load lowered to Grade C. If the load has commingled with other milk the entire amount may be lowered to Grade C.~~

(8) ~~All Grade A milk shall be picked up at least every forty-eight hours.~~

(9) ~~All farm tanks shall be emptied and washed at least every forty-eight hours.~~

~~(10))~~ Plans and drawings relating to tankers submitted to the director ~~((shall))~~ will be treated with confidentiality except as required under Public Disclosure Act, chapter 42.17 RCW.

(6) Bulk milk tankers must meet the requirements under chapter 69.04 RCW and the rules adopted thereunder for transportation of food.

AMENDATORY SECTION (Amending Order 1902, filed 8/8/86)

**WAC 16-125-200 Recording thermometers—Installation.** (1) ~~((After January 1, 1987,))~~ All new farm bulk tank installations ~~((shall))~~ must include a recording thermometer and an automatic interval timer. Installation of a used milk tank ~~((shall))~~ will be ~~((constructed))~~ regarded as a new installation.

(2) The installation and operation of recording thermometers and interval timers shall be the responsibility of the holder of the Grade A producer permit.

(3) ~~((A))~~ Recording devices ~~((shall))~~ must not be ~~((installed on or))~~ attached to a farm tank. ~~((It))~~ Recording devices may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, or at any other location acceptable to the department. The recording device must be mounted no more than six feet from the floor or be otherwise accessible from the floor without the necessity of climbing.

(4) The sensor bulb or device ~~((shall))~~ must be ~~((so))~~ located so as to record the temperature of the milk in the tank before the milk reaches ~~((ten))~~ twenty percent of the tank volume. A capillary system containing toxic gas or liquids ~~((shall))~~ must not be used in a bare bulb sensor device.

(5) The recorder and chart ~~((shall))~~ must be capable at a minimum of recording from thirty-two degrees to one hundred eighty degrees ~~((Fahrenheit))~~ F, or above, and ~~((shall))~~ must be accurate within plus or minus two degrees F.

(6) The case of the recording device ~~((shall))~~ must be moisture-proof under operating conditions in the milk house or milk room.

~~((7))~~ ~~((Means shall be provided for sealing the recording pen arm setting.~~

~~((8))~~ The recording chart ~~((shall))~~ must make at a minimum one revolution every seven days. A strip chart ~~((shall))~~ must not be used.

~~((9))~~ ~~((8))~~ The recording clock ~~((shall))~~ must be electrically operated. The recorder pen ~~((shall reflect))~~ must be set to the actual time.

~~((10))~~ ~~((9))~~ If at any time, the recording device becomes inoperable or out of tolerance, the inspection service and the pooling agent or hauler ~~((shall))~~ must be notified immediately by the producer. Repair or replacement of the device ~~((shall))~~ must be made as soon as possible.

~~((11))~~ ~~((10))~~ The producer ~~((shall))~~ must maintain an adequate supply of recording charts. The charts ~~((shall be of those recommended for))~~ must fit the specific instrument ~~((which is))~~ installed.

~~((12))~~ ~~((11))~~ To ~~((preclude))~~ prevent stratification~~((;))~~ of the milk in the tank the interval timer ~~((shall))~~ must be set ~~((and adjusted))~~ so the milk will be agitated ~~((for not less than a))~~ for at least five minutes ~~((period with a frequency of))~~ every hour.

AMENDATORY SECTION (Amending Order 1902, filed 8/8/86)

**WAC 16-125-210 Recording thermometer—Operation.** (1) Milk and milk products for consumption in the raw state or for pasteurization ~~((shall))~~ must be cooled to forty degrees ~~((Fahrenheit))~~ F or lower within two hours ~~((of))~~ after completion of milking and maintained at that temperature until picked up~~((, as determined in accordance with RCW 15.36.110))~~: Provided, That the blend temperature after the first and subsequent milkings ~~((does))~~ may not exceed fifty degrees ~~((Fahrenheit))~~ F.

(2) In making a milk pick-up, the licensed grader and sampler ~~((shall))~~ must:

- (a) Remove the chart from the recorder before the chart has lapsed;
- (b) Mark the date and time of pick-up;
- (c) Sign the chart;
- (d) Date and install a new chart, ~~((as))~~ if necessary;
- (e) File the completed charts under protected conditions, provided for by the producer, unless they are taken to the purchaser's premises for his review.

(f) If the charts are taken from the dairy farm, they ~~((shall))~~ must be returned within ten days from the date they were taken: Provided, That subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(g) The official milk temperature must be taken with an accurate, properly calibrated thermometer.

(3) The temperature recording charts may be used for more than one pick-up: Provided, That all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader

and sampler ~~((shall))~~ must identify each lot of milk with the date, time of pick-up and his/her signature.

(4) Before removing milk from a farm bulk tank, the licensed grader and sampler ~~((shall))~~ must check the recording chart. If the licensed grader and sampler finds milk temperature variations extending beyond the legal limits, he/she ~~((shall))~~ must immediately notify the producer, or in the absence of the producer, an employee, and the producer's marketing agent. The licensed grader and sampler ~~((shall))~~ must sign the chart noting the date, time, stick reading and indicate that a temperature infraction has occurred. The producer's marketing agent ~~((shall))~~ must notify the department of agriculture of temperature standard violations detected through the official milk quality testing program. Temperature standard violations reported to the department will become part of the producer's official record.

~~((a))~~ ~~Milk stored at temperatures beyond the legal limits shall be tested by a representative of the producer's marketing agent and determined to be of acceptable quality before the milk can be picked up as Grade A milk.~~

~~((b))~~ ~~If milk stored at temperatures beyond the legal limits is determined to be of unacceptable quality by a representative of the producer's marketing agent, the milk in question is subsequently picked up as manufacturing milk or condemned.)~~

(5) Except as otherwise provided in subsection (2) of this section, recorder charts ~~((shall))~~ must be held at the dairy farm for ninety days and ~~((shall))~~ be made available to the ~~((dairy sanitarian))~~ director.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-125-040	Tolerances.
WAC 16-125-050	Authorized calibrators.
WAC 16-125-060	Calibration charts.
WAC 16-125-070	Calibration required.
WAC 16-125-080	Calibration (gaging) procedure.
WAC 16-125-090	Checking (testing) procedure.
WAC 16-125-100	Sealing legs.

**WSR 99-18-039**

**PERMANENT RULES**

**INSURANCE COMMISSIONER'S OFFICE**

[Insurance Commissioner Matter No. R 99-4—Filed August 25, 1999, 3:45 p.m.]

Date of Adoption: August 25, 1999.

Purpose: Many state residents are unable to purchase health insurance in some counties of the state. These rules require the Washington State Health Insurance Pool to pro-

PERMANENT

vide coverage in Washington counties where no individual health plans are commercially available from health carriers.

Statutory Authority for Adoption: RCW 48.02.060, 48.41.040, 48.41.170.

Other Authority: RCW 48.41.100.

Adopted under notice filed as WSR 99-14-085 on July 7, 1999.

Changes Other than Editing from Proposed to Adopted Version: The final rule includes a reference to RCW 48.43.005(18) which defines "health plan."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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: Thirty-one days after filing.

August 25, 1999

D. J. Patin

Deputy Insurance Commissioner

NEW SECTION

**WAC 284-91-060 Eligibility in counties without commercially available coverage equivalent to pool coverage.**

(1) Evidence of rejection under RCW 48.41.100 shall be waived by the pool for any person unable to obtain an individual health plan as defined in RCW 48.43.005(18) because the person resides in a county of this state where no member offers to the public an individual health plan.

(2) In accordance with RCW 48.41.180, every member shall provide a notice and application for pool coverage to every person who applies for and is denied for any reason, an individual health plan. This includes the reason that the member has decided to reject all new applicants for individual health plan coverage state-wide or within any county.

**WSR 99-18-048**

**PERMANENT RULES**

**FREIGHT MOBILITY**

**STRATEGIC INVESTMENT BOARD**

[Filed August 27, 1999, 9:24 a.m.]

Date of Adoption: July 30, 1999.

Purpose: To adopt reasonable rules and procedures necessary to implement the freight mobility program. Legislative appropriation gives authority to the Freight Mobility

Strategic Investment Board to fund projects starting July 1, 1999.

Statutory Authority for Adoption: Chapter 47.06A RCW, Freight mobility.

Adopted under notice filed as WSR 99-13-156 on June 21, 1999.

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 38, 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 38, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 38, 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 27, 1999

Paula J. Hammond, P.E.

Assistant Secretary

Highways and Local Programs

**Title 226 WAC**

**FREIGHT MOBILITY**

**STRATEGIC INVESTMENT BOARD**

**Chapter 226-01 WAC**

**DESCRIPTION OF ORGANIZATION**

NEW SECTION

**WAC 226-01-010 Purpose and authority.** Chapter 175, Laws of 1998 provides that the freight mobility strategic investment board shall adopt reasonable rules and procedures necessary to implement the freight mobility program.

NEW SECTION

**WAC 226-01-020 Freight mobility program intent.** It is the policy of the state of Washington that limited public transportation funding and competition between freight and general mobility improvements for the same fund sources require strategic, prioritized freight investments that reduce barriers to freight movement, maximize cost-effectiveness, yield a return on the state's investment, require complementary investments by public and private interests, and solve regional freight mobility problems. State financial assistance for freight mobility projects must leverage other funds from all potential partners and sources, including federal, county, city, port district, and private capital.

PERMANENT

NEW SECTION

**WAC 226-01-030 Organization of the freight mobility strategic investment board.** The freight mobility strategic investment board (FMSIB) is a twelve-member board, organized under the provisions of chapter 175, Laws of 1998. The board administers the freight mobility strategic investment program for the purpose of financing freight mobility projects. The following board members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years:

- (1) Two members, one of whom is from a city located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor;
  - (2) Two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor;
  - (3) Two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor;
  - (4) One member representing the office of financial management;
  - (5) One member appointed as a representative of the trucking industry;
  - (6) One member appointed as a representative of the railroads;
  - (7) The secretary of the department of transportation;
  - (8) One member representing the steamship industry;
- and
- (9) One member of the general public.

NEW SECTION

**WAC 226-01-040 Time and place of meetings.** Regular public meetings of the board shall be held on the third Friday of every odd numbered month. Each such regular meeting shall be held in SeaTac, Washington, and begin at the hour of 9:00 a.m. or at such other time and place as designated by the board.

A special meeting of the board may be called by the chairperson or by a majority of the members of the board, by delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting, and all provisions of chapter 42.30 RCW shall apply.

NEW SECTION

**WAC 226-01-050 Address of board.** Persons wishing to obtain information or to make submissions or requests of any kind shall address their correspondence to:

Executive Director, Freight Mobility Strategic Investment Board  
Washington State Department of Transportation  
Highways & Local Programs Service Center

Post Office Box 40965  
Olympia, Washington 98504-0965

NEW SECTION

**WAC 226-01-060 Definitions.** For purposes of implementing the requirements of chapter 175, Laws of 1998, relative to the freight mobility strategic investment board, the following definitions shall apply:

- (1) "Board" means the freight mobility strategic investment board (FMSIB).
- (2) "Department" means the department of transportation.
- (3) "Freight mobility" means the safe, reliable, and efficient movement of goods within and through the state to ensure the state's economic vitality.
- (4) "Director" is the executive director of the freight mobility strategic investment board.
- (5) "Local governments" means cities, towns, counties, special purpose districts, port districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts.
- (6) "Public entity" means a state agency, city, town, county, port district, or municipal or regional planning organization.
- (7) "Partnership" means the public entities sponsoring a project. The partnership as used in this chapter does not include the board.
- (8) "Lead agency" refers to the agency selected by the project partnership to be the point of contact with the board for a particular project.
- (9) "Original matching ratio" refers to the board's share of the project cost when it was initially approved for funding.
- (10) "Strategic freight corridor" means a transportation corridor of great economic importance within an integrated freight system that:
  - (a) Serves international and domestic interstate and intrastate trade;
  - (b) Enhances the state's competitive position through regional and global gateways;
  - (c) Carries freight tonnages of at least:
    - (i) Four million gross tons annually on state highways, city streets, and county roads;
    - (ii) Five million gross tons annually on railroads; or
    - (iii) Two and one-half million net tons on waterways;
  - (d) Has been designated a strategic corridor by the board. However, new alignments to, realignments of, and new links to strategic corridors that enhance freight movement may qualify, even though no tonnage data exists for facilities to be built in the future.

NEW SECTION

**WAC 226-01-070 Administration costs.** The board costs for necessary services and facilities that are attributable to the freight mobility strategic investment program shall be paid from the biennial appropriation.



**Chapter 226-02 WAC****PUBLIC ACCESS TO  
INFORMATION AND RECORDS**NEW SECTION

**WAC 226-02-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the board with the provisions of RCW 42.17.250 through 42.17.348 dealing with public records.

NEW SECTION

**WAC 226-02-020 Public records officer.** The freight mobility strategic investment board public records shall be in the charge of the executive director, who shall be the public records officer for the board. The person so designated shall be officed in the board's office in Olympia, Washington. The public records officer shall be responsible for implementation of the board's rules and regulations regarding release of public records, coordinating staff efforts of the board in this regard and generally ensuring compliance of the staff with the public records disclosure requirements of chapter 1, Laws of 1973 (chapter 42.17 RCW).

NEW SECTION

**WAC 226-02-030 Public records available.** All public records of the board, as defined in chapter 42.17 RCW, are available for public inspection and copying as provided in these rules, unless the record falls within the specific exemptions of RCW 42.17.310 or other statute exempting or prohibiting disclosure of specific information or records.

NEW SECTION

**WAC 226-02-040 Requests for public records.** Subject to the provisions of subsection (3) of this section, public records are obtainable by members of the public when those members of the public comply with the following procedures.

(1) A request shall be addressed to the public records officer. Such request shall include the following:

- (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 board, 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 board's current index, a statement that identifies the specific record requested.

(f) A verification that the records requested shall not be used to compile a commercial sales list.

(2) The public records officer shall inform the member of the public making the request whether the requested record is available for inspection or copying at the board's office in Olympia, Washington.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the board is also a party or when such a request is made by or on behalf of an attorney for such a party, the request shall be referred to the assistant attorney general assigned to the board for appropriate response.

NEW SECTION

**WAC 226-02-050 Availability for public inspection and copying of public records—Office hours.** Public records shall be available for inspection and copying during the normal business hours of the board. For the purposes of this chapter, the normal office hours shall be from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

**WAC 226-02-060 Inspection and copying cost.** (1) No fee shall be charged for inspection of public records.

(2) The board shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying. Actual costs shall include the labor costs of staff, machine cost and paper cost necessary to provide copies of requested records.

NEW SECTION

**WAC 226-02-070 Protection of public records.** In order to implement the provisions of RCW 42.17.290, requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules have been adopted.

(1) Copying of public documents shall be done by board personnel and under the supervision of said personnel, upon the request of members of the public under the procedures specified in WAC 226-02-040.

(2) No document shall be physically removed by a member of the public from the area designated by the board for the public inspection of documents for any reason whatever.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the board shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by RCW 42.17.310 is contained therein, and the board shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

NEW SECTION

**WAC 226-02-080 Denial of request.** (1) The board shall determine which public records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310 or other statute.

(2) Each denial of a request for a public record shall be accompanied by a written statement to the person requesting the record specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record, in whole or in part, and a brief explanation of how the exemption applies to the record or portion of record withheld.

#### NEW SECTION

**WAC 226-02-090 Review of agency denial.** Whenever a person objects to a conclusion that a public record is exempt from disclosure, the person may request the attorney general to review the matter in accordance with RCW 42.17.325.

#### NEW SECTION

**WAC 226-02-100 Records index.** (1) The board has available for public inspection and copying at its offices in Olympia a current index of the following records:

(a) State legislation and proposed rules and regulations pertaining to board standards.

(b) Those statements of policy and interpretations of policy, statute and bylaws which have been adopted by the board;

(c) Minutes of board meetings;

(d) Resolutions approved by the board;

(e) FMSIB program guidelines;

(f) Program reports and publications;

(g) Budgets and expenditures;

(h) FMSIB project administration and accounting files.

(2) A system of indexing shall be as follows:

(a) The indexing system will be administered by the board's public records officer.

(b) Copies of the index shall be available for public inspection and copying in the manner provided in this chapter.

(c) The public records officer shall update the index at least once a year and shall revise the index when deemed necessary by the board.

#### NEW SECTION

**WAC 226-02-110 Availability.** The board's current index shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

### Chapter 226-12 WAC

#### SUBMISSION OF PROPOSED FREIGHT MOBILITY PROJECTS TO BOARD (FMSIB)

#### NEW SECTION

**WAC 226-12-010 Designation of lead agency.** The agencies involved in a multiagency project shall designate one agency as the lead agency. The lead agency must be a city, town, county, port or the Washington state department of transportation.

#### NEW SECTION

**WAC 226-12-040 Applications for freight mobility projects.** When requested by the board, applications for proposed projects shall be submitted to the board by public entities seeking allocation of funds from the FMSIB. The application form will be provided by the board.

#### NEW SECTION

**WAC 226-12-080 Priority criteria for freight mobility projects.** From the effective date of this act through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the board and contained in the January 16, 1998, report entitled "*Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program.*" The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. For projects funded after June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the board.

### Chapter 226-16 WAC

#### REQUIREMENTS FOR FREIGHT MOBILITY PROJECT DEVELOPMENT

#### NEW SECTION

**WAC 226-16-010 Methods of construction.** All construction by a public entity using board funds shall be done by advertisement, competitive bid and contract, except:

- (1) Utility and railroad relocations and adjustments; and
- (2) Installation of traffic control devices.

If federal funds are included in the project, the negotiated contract shall include the applicable provisions of federal highway administration policies and procedures prescribed in 23 C.F.R. 140, 23 C.F.R. 645 and 23 C.F.R. 646, *Federal Aid Policy Guide*.

#### NEW SECTION

**WAC 226-16-020 Registered engineer in charge.** All projects using board funds shall be planned, designed, and constructed under the supervision of a professional engineer registered in the state of Washington.

#### NEW SECTION

**WAC 226-16-040 Standard specifications.** The current edition of the WSDOT/APWA *Standard Specifications for Road, Bridge, and Municipal Construction* shall be included in any contract using board funds.

NEW SECTION

**WAC 226-16-050 Value engineering study requirements.** Value engineering studies shall be required in accordance with the policy adopted by the board.

NEW SECTION

**WAC 226-16-100 Design standards for freight mobility strategic investment board projects.** All board funded projects shall be prepared using currently applicable design standards.

NEW SECTION

**WAC 226-16-110 Allocation of freight mobility strategic investment program funds to regions.** For the purpose of allocating funds for the freight mobility strategic investment program, the board shall allocate the first fifty-five percent of funds to the highest priority projects, without regard to location. The remaining funds shall be allocated equally among three regions of the state pursuant to RCW 47.06A.050.

NEW SECTION

**WAC 226-16-150 Freight mobility program management.** The board will implement reasonable controls on project development as it deems necessary to allocate funds within the program funding level to prioritized projects.

NEW SECTION

**WAC 226-16-160 Work progress on freight mobility projects.** The lead agency must begin work on a project within twelve months of the date the board approves the project, unless the board grants an extension. To determine if work has begun, the board will assess the project progress as compared to the information provided the board when the project was authorized for funding. If project activity has not started and it appears the project is falling behind the proposed schedule, the board may review the project status to determine if board funds should be withdrawn from the project and reallocated to another proposed project.

NEW SECTION

**WAC 226-16-170 Phase approval of freight mobility projects.** The board will authorize freight mobility project approvals by phase for the purpose of controlling project expenditures and assuring that projects experiencing delay will not unduly tie up freight mobility funds. The three phases are design, right-of-way, and construction. Each phase normally will be funded by separate board approvals on forms provided by the board.

NEW SECTION

**WAC 226-16-180 Cost increases on freight mobility projects.** Increases in freight mobility funds will not be available.

NEW SECTION

**WAC 226-16-200 Lack of performance on freight mobility projects.** To assure that freight mobility projects remain on schedule, the board will monitor the project progress based on at least semi-annual reports and reimbursement payments on the project.

**Chapter 226-20 WAC****FINANCIAL AND PAYMENT REQUIREMENTS**NEW SECTION

**WAC 226-20-010 Matching ratios for freight mobility program funds.** The board gives preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, unless the board grants a special exception. The maximum amount of funding on a project from the freight mobility board shall be fifty million dollars. The board may allow the use of matching ratios greater than the original matching ratio on any phase of a project to facilitate project development, with the understanding that the total payments made by project completion shall not exceed the original matching ratio. The board allows other state funds to be considered part of the local matching funds.

NEW SECTION

**WAC 226-20-020 Certification of nonprogram funds.** The lead agency shall certify that nonprogram funds are available for the funding phase being considered.

NEW SECTION

**WAC 226-20-030 Reimbursable costs.** Project costs eligible for reimbursement from the account shall be those proper and allowable costs incurred on a project after the project is authorized by the board.

NEW SECTION

**WAC 226-20-040 Audit of freight mobility program projects.** Project records for each project developed through the use of freight mobility funding shall be audited to determine that the amount of freight mobility funds paid in connection with the project can be attributed to the project and supported by project records. The audit shall determine whether the lead agency has materially complied with the rules of the board and whether any failures to comply are significant in nature or effect. The board shall audit projects at

the time of the project completion or at such additional times as may be directed by the board.

#### NEW SECTION

**WAC 226-20-050 Recovery of freight mobility program funds on canceled projects.** Authorized projects that are subsequently canceled shall be eligible for reimbursement from the board, if the agency developed the project in good faith, with a reasonable expectation of completion. If the board does allow reimbursement for a canceled project, the board share of the project cannot exceed the original matching ratio.

#### NEW SECTION

**WAC 226-20-060 Partial or progress payments for project costs.** The board will not make payments of freight mobility funds on projects unless the following tasks are complete:

- (1) The board has approved the phase of the project.
- (2) Local matching funds are certified to be available for the phase of the project that is being billed.

Requests for payment may be submitted from time to time as the work progresses. Payments less than five hundred dollars will not be made unless it is the final request for payment. The final request for payment must be submitted within six months of the completion of work.

The board will make an adjustment to the final payment, if necessary to assure that the original board matching ratio is not exceeded.

490-500-065 Ineligibility—Review required, 490-500-070 Extended evaluation, 490-500-080 Extended evaluation—Plan, 490-500-170 Criteria for order of selection, 490-500-180 Economic need, 490-500-185 Economic need—Financial statement required, 490-500-190 Economic need—Standards for determining, 490-500-200 Economic need—Notification of decision, 490-500-205 Comprehensive assessment, 490-500-257 Individualized, written rehabilitation plan, 490-500-260 Individualized, written rehabilitation plan—Content, 490-500-270 Individualized, written rehabilitation plan—Participation, 490-500-275 Individualized, written rehabilitation plan—Review, 490-500-300 Vocational rehabilitation—Employment outcome, 490-500-325 Comparable services and benefits available from other agencies, 490-500-350 Vocational rehabilitation services, 490-500-380 Vocational rehabilitation services—Counseling, guidance, and work-related placement services, 490-500-385 Vocational rehabilitation services—Physical and mental restoration, 490-500-389 Vocational rehabilitation services—Telecommunications, sensory, and other technological aids and devices, 490-500-390 Vocational rehabilitation services—Training, 490-500-418 Vocational rehabilitation services—Rehabilitation assistive technology services, 490-500-420 Vocational rehabilitation services—Additional living expenses, 490-500-430 Vocational rehabilitation services—Occupational licenses, tools, equipment, and initial stocks and supplies, 490-500-435 Vocational rehabilitation services—Transportation, 490-500-437 Vocational rehabilitation services—Interpreter services and reader services, 490-500-445 Vocational rehabilitation services—Services to family members, 490-500-450 Vocational rehabilitation services—Other goods and services, 490-500-455 Vocational rehabilitation services—Post employment services, 490-500-460 Vocational rehabilitation services—Information and referral services, 490-500-465 Vocational rehabilitation services—Recruitment and training services, 490-500-470 Vocational rehabilitation services—Transition services, 490-500-475 Vocational rehabilitation services—Supported employment, 490-500-477 Vocational rehabilitation services—Independent living services, 490-500-480 Vocational rehabilitation services—On-the-job or other related personal assistance, 490-500-485 Vocational rehabilitation services—Services to groups, 490-500-500 Purchase of services, 490-500-505 Purchase of services—Selection criteria—Schools or training organizations, 490-500-510 Purchase of services—Selection criteria—On-the-job training, 490-500-525 Termination of services under an individualized, written rehabilitation plan—Ineligible, 490-500-530 Termination of services under an individualized, written rehabilitation plan—For reasons other than ineligibility, 490-500-542 Termination of services under an individualized written rehabilitation plan—Rehabilitated, 490-500-545 Notification of termination, 490-500-555 Confidential information—Disclosure, 490-500-560 Administrative review, 490-500-580 Fair hearing—Adjudicative proceeding, 490-500-590 Client records, 490-500-600 Independent living program, 490-500-605 Independent living program—Eligibility/ineligibility, 490-500-615 Independent living program—Economic need and comparable services and benefits, 490-500-620 Independent living program—Written independent living plan, 490-

### WSR 99-18-053

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Division of Vocational Rehabilitation)

[Filed August 27, 1999, 1:45 p.m., effective November 1, 1999]

Date of Adoption: August 27, 1999.

Purpose: To repeal old rehabilitation rules and adopt new rules to comply with the Rehabilitation Act of 1973 as amended in August 1998 including the following Titles: I Vocational Rehabilitation Services; VI Employment Opportunities for Individuals with Disabilities; and VII Independent Living Services and Centers for Independent Living. These rules have been written to comply with the Governor's Executive Order 97-02, Regulatory Improvement.

Citation of Existing Rules Affected by this Order: New chapter 388-890 WAC, Rehabilitation services for individuals with disabilities, will replace the following rules which are being repealed: Repealing WAC 490-500-005 Definitions, 490-500-010 Application for services, 490-500-015 Initial interview, 490-500-022 Assessment for determining eligibility and vocational rehabilitation needs, 490-500-025 Eligibility for services, 490-500-030 Eligibility for services—Criteria, 490-500-050 Certification for decision of eligibility or ineligibility, 490-500-055 Notice to applicant,

500-622 Independent living program—Independent living services, 490-500-625 Independent living program—Termination, 490-500-627 Independent living program—Client records, 490-500-630 Statewide independent living council, and 490-500-635 State rehabilitation advisory council.

Statutory Authority for Adoption: RCW 74.29.020, 74.08.090.

Other Authority: Chapter 74.29 RCW, Rehabilitation Act of 1973 as amended in August 1998.

Adopted under notice filed as WSR 99-12-030 on May 25, 1999.

Changes Other than Editing from Proposed to Adopted Version:

**Changes in Response to Comments from the Federal Rehabilitation Services Administration:**

- WAC 388-890-0025(2) is changed to include the process used to provide or procure services as one of the options a participant makes informed choices about.
- WAC 388-890-0515 [(15)](e) is changed to include four additional required items on the IPE.
- WAC 388-890-1215 is changed to include that mediation agreements are not binding.

**One Change Made in Response to Comments from the Public:** WAC 388-890-1230 through 388-890-1250 is changed to eliminate the administrative hearing option in the appeals process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 230, Amended 0, Repealed 63; Federal Rules or Standards: New 230, Amended 0, Repealed 63; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 4, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 234, Amended 0, Repealed 63.

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 234, Amended 0, Repealed 63.

Effective Date of Rule: November 1, 1999.

August 27, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 99-20 issue of the Register.

**WSR 99-18-059**

**PERMANENT RULES**

**DEPARTMENT OF TRANSPORTATION**

[Order 193—Filed August 30, 1999, 8:30 a.m.]

Date of Adoption: August 27, 1999.

Purpose: System safety and security plans for rail fixed guideway systems.

Citation of Existing Rules Affected by this Order: Amending chapter 468-550 WAC.

Statutory Authority for Adoption: Section 7, chapter 202, Laws of 1999.

Adopted under notice filed as WSR 99-15-011 on July 9, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 4, 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 27, 1999

Gerald E. Smith

Deputy Secretary, Operations

**AMENDATORY SECTION** (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

**WAC 468-550-030 Definitions.** For the purposes of this chapter, the following definitions of terms shall apply unless the context clearly indicates otherwise:

(1) Accident, reportable means any event involving the operation of a RFGS along a revenue line segment, if as a result:

(a) An individual dies; or

(b) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

(c) A collision, derailment, or fire causes property damage in excess of \$50,000.

(2) APTA Guidelines means the American Public Transit Association's "Manual for the Development of Rail Transit System Safety Program Plans."

(3) Chief executive officer means, but is not limited to, the mayor, county executive, or chair of the municipality, or corporate president of the public or private entity that owns, operates, or maintains a RFGS.

(4) Contractor means an entity that performs tasks required by this chapter on behalf of the department or a RFGS.

(5) Department means the Washington state department of transportation which has been designated as the state safety oversight agency.

(6) Emergency means a situation which is life threatening to passengers, employees, or others or which causes damage to any rail fixed guideway vehicle or facility or results in a significant theft of services which severely affects the ability of the system to fulfill its mission.

(7) FTA means the Federal Transit Administration, or its successors, an agency within the U.S. Department of Transportation.

(8) Hazardous condition means a set of circumstances that if not identified and corrected has or will result in personal injury or property damage. It includes unacceptable hazardous conditions.

(9) Investigation means a procedure that the department or a RFGS utilizes to determine the cause of a reportable accident, hazardous condition, or security breach.

(10) Plan means the system safety and security program plan which is adopted by the RFGS detailing its safety and security policies, objectives, responsibilities and procedures.

(11) Procedure means an established and documented method to perform a task.

(12) Rail fixed guideway system or "RFGS" means ~~((any))~~ a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or ~~((automated))~~ other fixed rail guideway that is ~~((~~

~~((a) Included in the Federal Transit Administration's (FTA) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336); and~~

~~((b) Not regulated by the Federal Railroad Administration)) not regulated by the Federal Railroad Administration. "RFGS" does not include elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system, or operations not available to the general public, acquired by an individual or group of individuals for a common purpose to travel together as a group to a specific destination or for a particular itinerary. A RFGS also shall be within a federally recognized urbanized area and included in the Federal Transit Administration's (FTA) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336).~~

(13) Risk means the probability that a security breach will occur.

(14) Safety means freedom from danger.

(15) Security means freedom from intentional danger.

(16) Security breach means an unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.

~~((17) ((Security incident means an unforeseen event or occurrence that does not necessarily result in death, injury, or significant RFGS property damage, but may result in a minor loss of revenue.~~

~~((18))) Standard means the system safety and security program standard which is the standard developed and adopted by the department which complies with the APTA Manual for the Development of Rail Transit System Safety~~

*Program Plans, the Federal Transit Administration's Transit System Security Program Planning Guide (FTA-MA-90-7001-94-1), The Federal Transit Administration's Implementation Guidelines for State Safety Oversight of Rail Fixed Guideway Systems, and the State Safety Oversight Security Handbook.*

~~((19))) (18) System means a composite of people, property, environment, and procedures which are integrated to perform a specific operational function in a specific environment.~~

~~((20) Three year review)) (19) Triennial safety and security audit means a formal, comprehensive, on-site examination by the department of a RFGS's safety and security procedures to determine whether it complies with the RFGS's policies and procedures as outlined in the RFGS's plan.~~

~~((21) Threat means any real, potential, or perceived condition that can result in a security-related incident.~~

~~((22))) (20) Unacceptable hazardous condition means a hazardous condition ((with catastrophic, critical, or marginal consequences with a probability of occurring frequently, probably, or occasionally,)) of type IA, IB, IC, IIA, IIB, OR IIIA as determined using the "Hazardous Resolution Matrix" in APTA Manual for the Development of Rail Transit System Program Plans.~~

~~((23) Unsafe condition or act means any condition or act which endangers life or RFGS property.))~~

AMENDATORY SECTION (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

**WAC 468-550-040 Requirements for system safety and security plans.** (1) Each RFGS shall prepare a system safety and security program plan. Such Plan shall describe the RFGS's procedures for:

(a) Reporting and investigating reportable accidents ~~((,))~~ and unacceptable hazardous conditions ~~((, and security breaches))~~;

(b) Submitting corrective action plans and annual safety and security audit reports;

(c) Facilitating ~~((department))~~ on-site safety and security reviews by the department; and

(d) Addressing passenger and employee security.

The plan and any revisions thereto shall, at a minimum, conform to the standard set forth in WAC 468-550-050, be approved by the RFGS's chief executive officer and submitted for departmental review by September 1, ~~((1998))~~ 1999, or within three months prior to beginning operations or instituting revisions to the plan. The RFGS shall not transmit the security portions of its system safety and security program plan to the department. The RFGS shall notify the department of the location and availability of the security portions of its system safety and security program plan.

(2) Each RFGS shall implement and comply with the provisions of its plan and any revisions thereto. Further, should the RFGS change ownership or operating or maintenance providers, the RFGS shall require its successors, assigns, and contractors to continue to comply with the RFGS's established plan and shall notify the department of any change of ownership or operating or maintenance provid-

ers within thirty days of the effective date of transfer or contract.

(3) ~~((Each RFGS and the department are prohibited from publicly disclosing or communicating in any way, to unauthorized persons, those security portions of the plan which, if disclosed, may result in an imminent security breach.))~~ The security section of the plan is exempt from public disclosure under chapter 42.17 RCW. Each RFGS may develop procedures to implement this subsection. Completed reports of reportable accidents and unacceptable hazardous conditions, corrective action plans, annual safety and security audit reports, published reviews of the department, published RFGS internal safety and security audits, and notifications of reportable accidents and unacceptable hazardous conditions are not subject to this exemption.

**AMENDATORY SECTION** (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

**WAC 468-550-060 Annual and triennial safety and security audits and reports.** (1)(a) Each RFGS shall perform scheduled internal safety and security audits to evaluate compliance with the standard, identify hazardous and risk conditions, and measure the effectiveness of its plan. The RFGS shall ~~((submit to the department))~~ include its internal safety and security audit schedule for the next year ~~((no later than December 15 of the preceding year))~~ with the annual report required in WAC 468-550-070(5). These audits shall include, but are not limited to:

- (i) Observing work practices and employee performance during system operations;
- (ii) Sampling and inspecting selected system components to verify proper maintenance; and
- (iii) Reviewing RFGS records for all phases of system operations, maintenance, and security.

The RFGS shall select a qualified person(s) or contractor to perform its internal audits and shall notify the department not later than ten days prior to performing the internal audits. The notification shall include date(s) of audit, what is to be audited, and the qualifications of those selected to perform the audit, such qualifications are subject to departmental concurrence. The department may assess the effectiveness of each RFGS audit program; however, any departmental review or concurrence shall not substitute for the RFGS's own safety and security inspection audit programs, nor relieve the RFGS from its sole liability for the safety and security of its system.

(b) Each RFGS, as a basis for its audit process, shall prepare, maintain, and make available for departmental review records that document the results of all tests, inspections, and audits conducted by the RFGS or its contractor in compliance with the plan. These records shall include, but are not limited to:

- (i) Start-up test records;
- (ii) Drug and alcohol test records;
- (iii) Training and certification records;
- (iv) Operation performance evaluation records;
- (v) Facility inspections;
- (vi) Maintenance audits and inspections (all systems and facilities);

- (vii) Rules and procedures review;
- (viii) Emergency response planning, coordination, and training;
- (ix) System modification review and approval process;
- (x) Safety and security data acquisition and analysis;
- (xi) Interdepartmental and interagency coordination;
- (xii) Employee safety and security program;
- (xiii) Hazardous materials program;
- (xiv) Contractor safety coordination; and
- (xv) Procurement records.

These records shall be maintained by the RFGS for a minimum of three years.

(2) Internal safety and security audits shall be documented in an annual report that includes the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity and the results of each audit in terms of the adequacy and effectiveness of the plan. This annual report for the internal safety and security audits performed during the preceding year shall be ~~((submitted to the department prior to February 15 of each year))~~ included with the annual report required in WAC 468-550-070(5).

(3) The department shall audit each RFGS plan at least once every three years. The RFGS shall be given written notification at least thirty days in advance of the department's audit. The notification shall include a proposed schedule, planned scope, and list of activities to be reviewed for the audit. Each audit shall be preceded by an on-site, preaudit conference attended by the department's audit team, the RFGS's owner, and the RFGS staff in charge of the activities subject to audit. Each audit shall be conducted in accordance with an audit checklist. Checklists shall not restrict the department from performing additional investigations as it deems appropriate. The department shall use as a basis for its checklist the RFGS's plan and records which shall include, but are not limited to:

- (a) The RFGS operating rule book, bulletins, and procedures;
- (b) The RFGS maintenance manuals and procedures for vehicles, track and signals;
- (c) The RFGS procedures for identifying, documenting, evaluating, and correcting hazards;
- (d) The RFGS system design criteria and project engineering procedures for system modifications;
- (e) The RFGS annual internal audit reports for the previous three years;
- (f) The RFGS corrective action plans for reportable accidents~~((;))~~ and unacceptable hazardous conditions~~((, and security breaches))~~ reported to the department during the previous three years;
- (g) APTA audit reports;
- (h) National Transportation Safety Board accident investigation reports, and any other agency peer review reports, if any, prepared during the previous three years and previously prepared department audit reports.

(4) Upon the department's completion of the triennial on-site audit, the audit team leader shall prepare a draft final audit report and submit it to the RFGS. The RFGS shall respond, in writing to the recommendations made in the draft

final audit report, with a plan and schedule of corrective actions within thirty days of receipt thereof. An on-site, post audit conference shall be held following each departmental audit to review the results of the audit. Audit results that identify a deficiency that is not corrected before the post audit conference is held shall be documented in the final audit report. The final audit report shall contain the department audit team's findings and recommendations and the RFGS plan and schedule for corrective action. The final audit report shall also include the department audit team's evaluation of the effectiveness of the RFGS plan and a determination of whether the plan should be updated.

(5) The department shall summarize oversight activities for all RFGS performed during the preceding twelve months in a publicly available annual report and submit it to the FTA before March 15 of each year.

**AMENDATORY SECTION** (Amending WSR 98-19-052, filed 9/15/98, effective 10/16/98)

**WAC 468-550-070 Notifying of, investigating, and reporting accidents(~~(s)~~) and unacceptable hazardous conditions(~~(, and security breaches)~~).** (1) Each RFGS shall notify the department (~~(and the National Transportation Safety Board)~~) by telephone, electronic mail or facsimile within (~~(twenty-four)~~) four hours of (~~(an)~~) the occurrence of (~~(the types of)~~) any reportable accident(~~(s)~~), or discovery of any unacceptable hazardous condition(~~(s), or security breaches~~) following:

- (a) Any event which results in a fatality;
- (b) Any event in which an individual suffers bodily injury and receives immediate medical treatment away from the scene;
- (c) A collision, derailment, or fire which causes property damage in excess of \$50,000;
- (d) Any fire or other hazardous event that requires the evacuation of passengers or requires the fire suppression activities conducted by a fire department;
- (e) Any collision between a rail fixed guideway vehicle and a motor vehicle at a gated grade crossing;
- (f) Any collision between rail fixed guideway vehicles, or between rail fixed guideway vehicles and other on-track equipment;
- (g) Any mainline derailment;
- (h) Any hazardous condition which has been identified by the RFGS and which could cause death or serious injury to passengers or employees if not immediately corrected; and
- (i) Any security breach that has been identified by the RFGS and which could cause death or serious injury to passengers or employees or may result in the loss of services or equipment if not immediately corrected.

(2) Each RFGS shall investigate all reportable accidents, unacceptable hazardous conditions, and security breaches. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty five calendar days after the reportable accident, unacceptable hazardous condition, or security breach was discovered. This

~~report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the accident or breach, or to mitigate the unacceptable hazardous condition. The department shall review the RFGS investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident, unacceptable hazardous condition, or security breach).~~ The department shall notify each RFGS of the person to notify and the telephone, electronic mail and facsimile numbers for notification. The notification shall include all of the following details:

- (a) Name and title of the person making the notification;
- (b) Time and date the notification is transmitted;
- (c) Synopsis of what happened, such as, but not limited to: Collision with another RFGS revenue vehicle, derailment, collision with a motor vehicle, collision with a pedestrian, collision with a bicyclist, fire, bomb threat, or hostage-taking;
- (d) Specific location of the accident or unacceptable hazardous condition;
- (e) Time of the accident or discovery of the unacceptable hazardous condition;
- (f) Identification of RFGS vehicle(s) and/or facility involved;
- (g) Initial number of fatalities and/or individuals who suffered bodily injury and immediately received medical treatment away from the scene of the accident; and
- (h) Description of and preliminary value of property damage.

(2) The department has authority to perform separate, independent investigations of reportable accidents(~~(s)~~) or unacceptable hazardous conditions(~~(, or security breaches)~~) at its own discretion. (~~In the event that the department does not concur with the findings of the RFGS investigation, the department shall confer with the RFGS of its preliminary review findings. The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If, after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS, in writing, of its review findings. The RFGS shall submit its response to the department's findings within forty five calendar days of receipt thereof. Should the department and the RFGS disagree, the department will notify the FTA.~~)

(3) Each RFGS shall submit an annual summary report to the department covering all reportable occurrences. The RFGS shall ensure delivery of the annual report to the department no later than the 15th calendar day after the year being reported. The annual summary report shall be submitted whether any reportable event occurred or any hazardous condition or security breach was identified during the previous year.) (3) Each RFGS shall investigate all reportable accidents and unacceptable hazardous conditions. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty five calendar days after the reportable accident or unacceptable hazardous



condition was discovered. This report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the accident, or to mitigate the unacceptable hazardous condition.

(4) The department shall review the RFGS investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident or unacceptable hazardous condition. In the event that the department does not concur with the findings of the RFGS investigation, the department shall confer with the RFGS of its preliminary review findings. The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If, after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS in writing of its review findings. The RFGS shall submit its response to the department's findings within forty-five calendar days of receipt thereof. Should the department and the RFGS disagree, the department will notify the FTA.

(5) Each RFGS shall submit an annual summary report to the department covering all reportable occurrences. The RFGS shall ensure delivery of the annual report to the department no later than January 15 after the year being reported. The annual summary report shall be submitted whether any reportable event occurred or any unacceptable hazardous condition was identified during the previous year.

#### NEW SECTION

**WAC 468-550-080 Notifying of and applying financial penalties.** (1) The due dates for documentation required herein are specified in (a) through (e) of this subsection. The department shall provide a RFGS a written notification of the required due date no later than one month before the applicable due date.

(a) System safety and security program plan by September 1, 1999, or within three months prior to beginning operations;

(b) Internal safety and security audit schedule for the next year by January 15;

(c) Annual report for the internal safety and security audits performed during the preceding year by January 15;

(d) Annual summary report to the department covering all reportable occurrences by January 15;

(e) Written investigation reports and findings within forty-five calendar days after a reportable accident occurred, or unacceptable hazardous condition was discovered.

(2) If any RFGS notified by the department fails to deliver the required documentation by the due date specified in subsection (1) of this section, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the documentation and the potential consequences of further delay. In scheduling this meeting, the department shall notify the RFGS's chief executive officer of the purpose of the meeting and its time and location. The department shall attempt to schedule the meeting within one week of the specified due date.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance and the RFGS's chief executive officer within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for any further delay by the RFGS for submission of its required documentation, the department shall notify the RFGS's chief executive officer of the applicable financial penalty, as defined in subsection (5) of this section.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall proceed to notify FTA of the RFGS's failure to supply the required documentation and to apply the appropriate financial penalty in accord with subsection (5) of this section.

(3) If any RFGS delivers incomplete documentation by the required due date, the department shall notify the RFGS of any deficiency within one week. The RFGS shall supplement its required documentation within one week after receiving the department's notification. If the RFGS fails to supplement its documentation adequately, the department shall proceed to schedule a meeting and follow the procedures in subsection (2) of this section.

(4) If any RFGS fails to implement a corrective action plan, according to the implementation schedule developed pursuant to WAC 468-550-070(4), to prevent a recurrence of an accident or to mitigate an unacceptable hazardous condition, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the corrective action plan and the potential consequences of further delay.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for a RFGS's failure to implement the corrective action plan, the department shall notify the RFGS's chief executive officer that the department intends to notify FTA of the RFGS's noncompliance.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall notify FTA of the RFGS's failure to implement a corrective action plan action.

(f) This subsection shall apply also to a corrective action plan upon which the department and the RFGS disagree. In this situation, the department shall use the corrective action plan and implementation schedule proposed by the RFGS.

(5) Any RFGS that fails to comply with the timelines as set forth in this chapter shall be assessed the financial penalties following:

(a) One thousand five hundred dollars for each calendar month beginning October 1999, or two months prior to beginning operations, for failure to deliver to the department an acceptable system safety and security program plan;

(b) Five hundred dollars for each calendar month, beginning with February, for failure to deliver to the department an acceptable:

(i) Internal safety and security audit schedule for the next year;

(ii) Annual report for the internal safety and security audits performed during the preceding year; or

(iii) Annual summary report to the department covering all reportable occurrences; and

(c) One thousand dollars applied each thirty-day period, beginning the 90th day after a reportable accident occurred, or after an unacceptable hazardous condition was discovered for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule.

(6) If FTA notifies the department that it will impose a financial penalty on the state of Washington as a consequence of a RFGS's failure to take appropriate action in a safety or security situation, the department shall:

(a) Notify that RFGS's chief executive officer that the department will impose all FTA financial penalties to that RFGS if the RFGS fails to take adequate action to bring itself into compliance to FTA's satisfaction. Said notice shall include a copy of FTA's written communication and an estimate of FTA's financial penalty.

(b) Recommend steps to the RFGS' chief executive officer that the RFGS should take to bring it into compliance with FTA requirements.

(7) Any RFGS notified by the department of its failure to take appropriate action in a safety or security situation shall take immediate and adequate action to bring itself into compliance to FTA's satisfaction and provide adequate documentation to the department of its corrective measures. The department shall provide that documentation to FTA.

(8) If any RFGS notified by the department of its failure to take appropriate action in a safety or security situation also fails to respond to the department and FTA imposes a financial penalty on the state of Washington as a consequence, the department shall apply the full amount of the financial penalty on the RFGS.

(9) In applying any financial penalty, the department shall take the following steps:

(a) Invoice the RFGS for the amount of financial penalty; the invoice shall identify:

(i) The documentation not received by the specified due date;

(ii) The number of calendar months or, for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods past the specified due date;

(iii) The applicable financial penalty rate per calendar month or, for failure to deliver to the department an accept-

able investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods; and

(iv) Where payment should be made.

(b) If a RFGS fails to remit the full amount of the imposed financial penalty within sixty days of when due, the department may seek judicial enforcement to recover full payment. Venue for any action hereunder shall be Thurston County.

**WSR 99-18-062**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 30, 1999, 3:05 p.m.]

Date of Adoption: August 30, 1999.

Purpose: Agency proposes amendatory changes to industrial insurance rules applicable to the closing and reopening of worker injury claims as contained in chapter 296-14 WAC for workers' compensation insurance by the Department of Labor and Industries.

Citation of Existing Rules Affected by this Order: Amending chapter 296-14 WAC.

Statutory Authority for Adoption: RCW 51.04.020.

Adopted under notice filed as WSR 99-13-201 on June 23, 1999.

Changes Other than Editing from Proposed to Adopted Version: Oral testimony received at the public hearing recommended that the department withdraw the proposed amendments to WAC 296-14-400 and 296-14-420 regarding the reopening of a closed claim and payment of benefits to allow additional rule refinements prior to permanently adopting. As a result, the two rules as proposed are being withdrawn.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 30, 1999

Gary Moore  
Director

AMENDATORY SECTION (Amending Order 86-33, filed 8/28/86)

**WAC 296-14-100 Definition of voluntary retirement** (~~and no longer attached to the work force~~). (1) (~~For the purpose of this title a claimant will be deemed to be voluntarily retired and no longer attached to the work force if all of the following conditions are met:~~

(a) ~~The claimant is no longer receiving income, salary or wages from any gainful employment.~~

(b) ~~The claimant has provided no evidence, if requested by the department or the self insurer, of a bona fide attempt to return to gainful employment after retirement.~~

(2) ~~Payment made by the worker or on his or her behalf in the form of premiums, for the purpose of continuation of life or medical insurance coverage, union dues or similar payments shall not constitute attachment to the work force.~~

(3) ~~The claimants of new or reopened claims will not be deemed voluntarily retired if the injury or occupational disease was a proximate cause of the decision to retire and sever the attachment to the work force.~~) **What is voluntarily retired?** The worker is considered voluntarily retired if both of the following conditions are met:

(a) The worker is not receiving income, salary or wages from any gainful employment; and

(b) The worker has provided no evidence to show a bonafide attempt to return to work after retirement.

Time-loss compensation is not paid to workers who voluntarily retired from the work force.

(c) Payment of union dues or medical or life insurance premiums does not constitute attachment to the work force.

(2) **When is a worker determined not to be voluntarily retired?** A worker is not voluntarily retired when the industrial injury or occupational disease is a proximate cause for the retirement.

AMENDATORY SECTION (Amending WSR 90-19-028, filed 9/12/90, effective 10/13/90)

**WAC 296-14-410 Reduction, suspension, or denial of compensation as a result of noncooperation.** (~~In accordance with RCW 51.32.110, workers claiming benefits under this title are required to attend and cooperate at medical examinations and vocational evaluations requested by the department or self insurer, to refrain from unsanitary or injurious practices which imperil or retard recovery, and to accept medical and surgical treatment reasonably essential for recovery from the industrial injury or occupational disease.~~

~~When a worker obstructs or delays recovery from the industrial injury or occupational disease or fails to attend or cooperate, without good cause, at scheduled examinations or evaluations, or engages in unsanitary or injurious practices, or refuses, without good cause, to undergo proper and necessary treatment, the department, or self insurer upon approval of the department, may reduce, suspend, or deny benefits to the worker.~~

~~Actions of a worker's representative that result in refusal, obstruction, delay, or noncooperation will be imputed to the worker.~~

~~The department or self insurer, upon approval of the department, may reduce, suspend, or deny benefits by any of the following means so long as the refusal, obstruction, delay, or noncooperation continues without good cause: Reduce current or future time loss compensation by the amount of the charge incurred by the department or self insurer for any examination, evaluation, or treatment which the worker fails to attend; reduce, suspend, or deny time loss compensation in whole or in part; or suspend or deny medical benefits.~~

~~Unless otherwise agreed to by the worker, the department or self insurer shall mail written notice of any requested examination directly to the worker and to the worker's representative, if any, at least fourteen calendar days prior to the requested examination but not greater than sixty days. The notice shall state the date, time, and location of the examination.~~

~~A worker shall not be deemed to have refused to attend a scheduled examination if:~~

(1) ~~The department or self insurer did not mail notice of the examination at least fourteen calendar days prior to the examination;~~

(2) ~~The worker arrives at the examination location within thirty minutes after the scheduled time of examination; or~~

(3) ~~The worker leaves the examination location later than one hour after the scheduled time of examination and the worker has not yet been called for the examination.~~

~~Prior to the issuance of an order reducing, suspending or denying benefits, the department or self insurer must request, in writing, from the worker or worker's representative the reason for the refusal, obstruction, delay, or noncooperation.~~

~~If the department determines no good cause exists, or if the worker fails to respond to the department's request for the reason for the refusal, obstruction, delay or noncooperation, within thirty days after the letter is issued the department will issue an order reducing, suspending, or denying benefits.)~~

**(1) Can the department or self insurer reduce, suspend or deny industrial insurance benefits from a worker?** The department or the self insurer, after receiving the department's order, has the authority to reduce, suspend or deny benefits when a worker (or worker's representative) is noncooperative with the management of the claim.

**(2) What does noncooperative mean?** Noncooperation is behavior by the worker (or worker's representative) which obstructs and/or delays the department or self-insurer from reaching a timely resolution of the claim.

(a) Noncooperation can include any one of the following:

(i) Not attending or cooperating with medical examinations or vocational evaluations requested by the department or self-insurer.

(ii) Failure to keep scheduled appointments or evaluations with attending physician or vocational counselor.

(iii) Engaging in unsanitary or harmful actions that jeopardize or slow recovery.

(iv) Not accepting medical and/or surgical treatment that is considered reasonably essential for recovery from the industrial injury or occupational disease.

**(3) Are there ever exceptions to attending a scheduled examination or vocational evaluation?** The worker will

not be considered uncooperative if refusal to attend a scheduled examination is for any one of the following reasons:

(a) The department or self-insurer did not mail notice to the worker and designated representative at least fourteen but no more than sixty days prior to the examination. The notice must contain the date, time and location of the examination.

(b) If the worker is thirty or less minutes late for the appointment.

(c) If the worker has not been examined or evaluated and leaves after waiting for more than one hour after the scheduled time.

(4) What actions are taken before reducing, suspending or denying industrial insurance benefits?

(a) The department or self insurer must first send a letter to the worker (or the worker's representative) advising that benefits may be suspended and asking for an explanation for the noncooperation, obstruction and/or delay of the management of the claim.

(b) The worker has thirty days to respond in writing to the letter. This written response should include the reason(s) the worker has for not cooperating with the department or self insurer.

(5) What are the actions the department can take if a worker (or a worker's representative) is determined to be noncooperative? If the worker does not respond in thirty days to the letter asking for justification for not cooperating or it is determined there is no good cause the department or self insurer, after receiving the department's order, may take the following action:

(a) Reduce current or future time-loss compensation by the amount of the charge incurred by the department or self-insurer for any examination, evaluation, or treatment that the worker failed to attend.

(b) Reduce, suspend or deny all or part of the time-loss benefits.

(c) Suspend or deny medical benefits.

state supplements to levels mandated by the Washington state legislature and correct a typographical error in the standards for an individual living alone with an ineligible spouse.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0055 SSI standards.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.057.

Adopted under notice filed as WSR 99-15-078 on July 20, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: October 1, 1999.

August 30, 1999

Marie Myerchin-Redifer  
Manager

**AMENDATORY SECTION** (Amending WSR 99-04-103, filed 2/3/99, effective 3/6/99)

**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 supplemented 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)) October 1, 1999, 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).

**WSR 99-18-063**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 30, 1999, 3:29 p.m., effective October 1, 1999]

Date of Adoption: August 30, 1999.

Purpose: Amend WAC 388-478-0055 to reduce SSI state supplement amounts to hold total state spending for SSI

	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
LIVING ALONE			
Individual	\$ 500.00	<del>\$(27.00)</del> <u>26.00</u>	<del>\$(527.00)</del> <u>526.00</u>
Individual with One Essential Person <sup>1</sup>	\$ 750.00	\$21.00	\$ 771.00
Couple, both Eligible	\$ 751.00	\$21.00	\$ 772.00
Couple with One Essential Person <sup>2</sup>	\$ 751.00	\$21.00	\$ 772.00
Couple includes Ineligible Spouse	<del>\$ ((500.67))</del> <u>500.00</u>	\$167.20	<del>\$ ((667.87))</del> <u>667.20</u>

PERMANENT

(ii) Shared living (supplied shelter).

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$ 333.34	\$4.81	\$ 338.15
Individual with One Essential Person <sup>3</sup>	\$ 500.00	\$5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$5.30	\$ 505.97
Couple includes One Essential Person <sup>4</sup>	\$ 500.67	\$5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$102.76	\$ 436.10

(b) Area II: All counties other than the above.

(i) Living alone (own household or alternate care, except nursing homes or medical institutions).

LIVING ALONE	Federal Benefit Level	State Supplement Benefit Level	Combined Federal/State Benefit Level
Individual	\$ 500.00	<del>\$(6.55)</del> 5.55	<del>\$ ((506.55))</del> 505.55
Individual with One Essential Person <sup>1</sup>	\$ 750.00	\$0	\$ 750.00
Couple, Both Eligible	\$ 751.00	\$0	\$ 751.00
Couple with One Essential Person <sup>2</sup>	\$ 751.00	\$0	\$ 751.00
Couple includes Ineligible Spouse	<del>\$ ((500.67))</del> 500.00	\$137.25	<del>\$ ((637.92))</del> 637.25

(ii) Shared living (supplied shelter).

SHARED LIVING	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$ 333.34	\$4.81	\$ 338.15
Individual with One Essential Person <sup>3</sup>	\$ 500.00	\$5.30	\$ 505.30
Couple, Both Eligible	\$ 500.67	\$5.30	\$ 505.97
Couple includes One Essential Person <sup>4</sup>	\$ 500.67	\$5.30	\$ 505.97
Couple includes Ineligible Spouse	\$ 333.34	\$102.76	\$ 436.10

(c) Residing in a medical institution: Area I and II

MEDICAL INSTITUTION	Federal Benefit Level	State Supplement Benefit Level	Combined Benefit Level
Individual	\$30.00	\$11.62	\$41.62

(d) Mandatory income level (MIL) for grandfathered claimant. "Grandfathered" refers to a person who qualified for assistance from the state as aged, blind, or disabled, was converted from the state to federal disability assistance under SSI in January 1974, and has remained continuously eligible for SSI since that date.

The combined federal/state SSI benefit level for MIL clients is the higher of the following:

(i) The state assistance standard they received in December 1973, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion), plus the federal cost-of-living adjustments (COLA) since then; or

(ii) The current standard.

<sup>1</sup> Eligible individual with more than one essential person living alone: \$ 500.00 for the eligible individual plus \$ 250.00 for each essential person (no state supplement).

<sup>2</sup> Eligible couple with one or more essential persons living alone: \$ 751.00 for eligible couple plus \$ 250.00 for each essential person (no state supplement).

<sup>3</sup> Eligible individual with more than one essential person in shared living: \$ 333.34 for eligible individual plus \$ 166.66 for each essential person (no state supplement).

<sup>4</sup> Eligible couple with one or more essential persons in shared living: \$ 500.67 for eligible couple plus \$ 166.66 for each essential person (no state supplement).

**WSR 99-18-066**  
**PERMANENT RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed August 31, 1999, 9:19 a.m.]

Date of Adoption: August 12, 1999.

Purpose: To adopt rules implementing ESHB 2947. The bill amended RCW 50.44.050 to modify the definition of "academic year" for all educational institutions. It also amended RCW 50.44.053 to delete the provision that "reasonable assurance" for part-time community and technical college faculty does not include agreements that are contingent on funding, enrollment, or program changes. New rules define terms, establish objective criteria for determining if a

PERMANENT

school has a twelve month academic year, and clarify provision related to reasonable assurance of continuing employment.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-051, 192-16-052, and 192-16-057.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010.

Adopted under notice filed as WSR 99-13-183 on June 23, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 3, Amended 0, Repealed 3.

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 30, 1999

Carver Gayton  
Commissioner

## Chapter 192-210 WAC SPECIAL CATEGORY OCCUPATIONS

### NEW SECTION

**WAC 192-210-005 Definitions—Educational employees.** (1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services. Tenure or tenure track status is considered a contract.

(2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.

(3) **Full time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.150.220 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120 (regional universities), or RCW 28B.20.130 (other colleges and universities).

(4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions and details such as the specific work location, duties, or

assignment. The position need not be identical to the previous position to meet this test. A position would be considered to be under the same terms and conditions of employment if it is of similar type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

### NEW SECTION

**WAC 192-210-010 What are the objective criteria used to define "academic year"?—RCW 50.44.050(5).** Summer term will be considered part of the academic year for an educational institution unless:

(1) Total enrollment of full-time equivalent students during the previous summer term is less than one third of the average academic year enrollment of full-time equivalent students for the fall, winter, and spring terms of the preceding two years; or

(2) Total full-time equivalent staff during the previous summer term is less than fifty percent of the academic year average of the full-time equivalent staff during the fall, winter, and spring terms during the preceding two years.

### NEW SECTION

**WAC 192-210-015 How will the department decide if reasonable assurance exists?** (1) Reasonable assurance is a bona fide offer from an educational institution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable.

(2) Decisions regarding the existence of reasonable assurance will be made on an individual basis, with consideration given to contingencies that may exist in the individual case.

(3) If there is a disagreement regarding whether an individual has reasonable assurance, the institution must provide the department with documentation in support of its statement that reasonable assurance exists for that individual.

(4) Following are some, but not all, examples of the types of documentary evidence that may be provided by an institution:

(a) The terms of any contract or agreement between the individual and the educational institution, including length, contingencies, or provisions for cancellation,

(b) Whether the employer pays fringe benefits to the individual, such as health care, during periods between academic years or terms,

(c) The number of comparable positions at the institution,

(d) Projections of student enrollment, school funding, or program funding contained in the institution's budget,

(e) Any hiring priorities used by the school, such as precedence given to full-time or tenured staff or the use of seniority lists,

(f) The individual's employment history,

(g) Whether the class(es) have been consistently offered by the institution, including whether the class has been canceled due to lack of enrollment.

(5) The existence of reasonable assurance will be determined by the total weight of the evidence, rather than the existence of any one factor included in subsection (4).

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 192-16-051 Special coverage provisions for educational employees—Definitions—RCW 50.44.050(1)
- WAC 192-16-052 Objective criteria used to define "academic year"—RCW 50.44.050(5)
- WAC 192-16-057 Interpretive regulation—"Under the same terms and conditions of employment" defined

**WSR 99-18-068**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed August 31, 1999, 9:57 a.m.]

Date of Adoption: August 31, 1999.

Purpose: Agency proposes to revise general reporting rules, classification plan, and corresponding base insurance rate tables. This includes amending six general rules, repealing one risk classification, amending forty-five risk classifications, and amending three experience rating rules applicable to chapter 296-17 WAC for workers' compensation insurance as underwritten by labor and industries.

Citation of Existing Rules Affected by this Order: Amending chapter 296-17 WAC.

Statutory Authority for Adoption: RCW 51.16.035.

Adopted under notice filed as WSR 99-12-115 on June 2, 1999.

Changes Other than Editing from Proposed to Adopted Version: The department had proposed to repeal a special note from ten retail store classification definitions, however, as a result of written testimony received, the department proposes to retain this language with the exception of the date "effective July 1, 1996." This change affects WAC 296-17-699, 296-17-700, 296-17-703, 296-17-704, 296-17-706, 296-17-707, 296-17-708, 296-17-710, 296-17-717, and 296-17-719.

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 7, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 47, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 54, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 54, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

August 31, 1999

Gary Moore  
 Director

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**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~~) upon receipt of your application in the department 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.

**PERMANENT**

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**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 permits 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 are 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.*

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**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.))~~ The information required is:

- Subcontractor's legal name;
- Contractor registration number and expiration date;
- UBI number (or labor and industries account ID number).

If you supply materials to a subcontractor, also keep a record of the:

- Amount of material supplied;
- Project name or location;
- Date material was supplied; and
- Completion date of contracted work.

Failure to maintain these records may result in the subcontractor being considered a covered worker for whom you must report hours.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**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)) employees - 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.)) You must select one of the following methods to report your commission employees - outside:
  - Actual hours worked; or
  - Assumed hours of eight hours per day for part-time employees or forty hours per week for full-time employees.

All outside commission 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 outside commission employees based on the actual hours they work and others using the one hundred sixty hours per month method.
- **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)) employees:** 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.*

**AMENDATORY SECTION** (Amending WSR 95-08-052, filed 4/3/95, effective 7/1/95)

**WAC 296-17-35201 Recordkeeping and retention.**

Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance for their covered workers. In the administration of Title 51 RCW, 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 due to the state fund. The records so specified and required, shall be provided at the time of audit to any authorized representative of the department who has requested them.

Failure to produce the requested records within thirty days of the request, or within an agreed upon time period shall constitute prima facie evidence of noncompliance with this rule and shall invoke the statutory bar to challenge found in RCW 51.48.030 and/or RCW 51.48.040.

(1) 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 employment occurred:

- (a) The name of each worker;
- (b) The Social Security number of each worker;
- (c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;
- (d) The basis upon which wages are paid to each worker;
- (e) The number of units earned or produced for each worker paid on a piecework basis;
- (f) The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;
- (g) The number of actual hours worked (WAC ((296-17-320(15))) 296-17-31002) by each worker, unless another basis of computing hours worked is prescribed in WAC ((296-17-350)) 296-17-31021;
- (h) 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;
- (i) The workers' total gross pay period earnings;
- (j) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;
- (k) The net pay earned by each such worker.

(2) Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred. 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 all check registers and bank statements. 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.

(3) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such records, shall for the purpose of premium calculation assume worker hours using the average hourly wage rate for each classification, and also will be subject to penalties prescribed in subsection (4) of this section. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average hourly wage rate: Provided, That the average hourly wage rate shall be no less than the state minimum wage existing at the time such assumed hours are worked. Notwithstanding any other provisions of this section, workers employed in a work activity center subject to Classification

7309 shall be reported on the basis of the average hourly wage.

(4) Failure to maintain records - Penalties. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such record, shall be liable, subject to RCW 51.48.030, to a penalty in the amount of two hundred fifty dollars for each such offense. Failure to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, for a single employee shall constitute one offense, for two employees two offenses, and so forth.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**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 depart-

ment 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 cancelled 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))~~ may 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 subaccount 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))~~ have we ~~((changing))~~ changed 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))~~ have established a second classification covering the same activity. The second classification ~~((will carry))~~ carries a discounted rate. To qualify for a discounted classification and

rate you ~~((will be))~~ are 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 calendar quarter ~~((1997))~~ (July 1 through September 30~~((, 1997))~~), you must attend the two workshops by September 30~~((, 1997))~~. One ~~((of the))~~ workshop~~((s))~~ covers claims and risk management practices~~((:))~~; the other workshop ~~((will))~~ covers 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) You must provide us with a signed and completed voluntary release of information form that we will provide to you or your representative at the workshops. If we audit your account 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 calendar 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) You must 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) You must 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) You must 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; ~~((#))~~
- You fail to pay premiums on time; ~~((#))~~
- You under report or misclassify the work performed by your employees; ~~((#))~~
- You fail to maintain the payments in a payment agreement you have entered into with us; or
- You 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~~((s))~~. 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 do not 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 for whom you wish to claim a deduction ((for)).

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-505 Classification 0105.**

**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, plastic, or vinyl 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 plant-

ers 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-50603 Classification 0112.**

**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.

**Special note:** This classification excludes contractors that maintain a temporary pit, crusher or bunker operation when performed by a contractor engaged in additional phases of the same road, street or highway construction project which is to be reported separately in classification 0101.

#### **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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-50910 Classification 0212.**

##### **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 sub-surface 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; application of asphalt sealant to roadways and parking lots which is to be reported separately in classification 0219; application of asphalt sealant to driveways which is to be reported separately in classification 0504-06; 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-50917 Classification 0219.**

##### **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. Guard-

rails 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; application of asphalt sealant to driveways which is to be reported separately in classification 0504-06; 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 98-18-042, filed 8/28/98, effective 10/1/98)

### WAC 296-17-519 Classification 0504.

### 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 includes the application of asphalt sealant to driveways.

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 subsequent 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))~~ asphalt sealant or waterproof materials to roadways and parking lots which is to be reported separately in classification 0219; 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, plas-

ter, 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, and 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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

#### WAC 296-17-52102 Classification 0510.

#### 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)) and nonstructural sheet metal patio covers/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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-52106 Classification 0514.**

**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, permanent stadium seating, and 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))~~ non-structural sheet metal 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-52108 Classification 0516.**

**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~~) sheet metal tool or 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/lino-leum/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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-52109 Classification 0517.**

**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 nonstructural sheet metal patio covers/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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-52110 Classification 0518.**

**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 members 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 acoustical 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))~~ sheet metal tool 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)) non-structural ((steel)) sheet metal patio cover/carports 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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

#### WAC 296-17-52111 Classification 0519.

#### 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, non-structural ~~((steel))~~ sheet metal patio covers/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 wall~~((s))~~ panels (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 sheet metal tool sheds which is to be reported separately in classification 0516; and the installa-

tion of commercial metal carports and service station canopies which is to be reported separately in classification 0518.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-52113 Classification 0521.**

**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, wall-board, 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))~~ and clean up work. 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-532 Classification 0901.**

**0901-00 Ship building and/or repair, N.O.C. *(to be assigned only by the maritime underwriter)***

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 recreational vessels under sixty-five feet and some commercial vessels such as, but not limited to, military vessels, tugs, scows, and barges ((and recreational vessels over 65 feet)). This classification may also include vessels over sixty-five feet that do not meet the situs and status provisions of the United States Longshore and Harbor Workers Compensation Act. 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. Commercial vessels included in this classification are required to have a Small Vessel Exception Certificate issued by the U.S. Department of Labor.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-53802 Classification 1105.**

**1105-00 Septic tank pumping**

Applies to establishments engaged in septic tank pumping services ~~((for others. In addition to driving duties, the drivers connect))~~. Operations contemplated by this classification include driving, locating the septic tank and digging as necessary to uncover it, connecting 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)), pumping out the sludge, and disposing of the waste products.

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))~~ sewage treatment tanks 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, anti-freeze, 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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

#### WAC 296-17-53805 Classification 1108.

##### 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; 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 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; 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 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-539 Classification 1301.**

##### **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. Clerical office and administrative personnel are to be reported separately in classification 5305 for a city or town, or 5306 for a county.

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.

### 1301-01 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. Clerical office and administrative personnel are to be reported separately as appropriate for the ownership of the cooperative; 5305 for cities and towns; 5306 for counties; or 4904 and 6303 for nonmunicipal.

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, 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. Clerical office and administrative personnel are to be reported separately in 5306.

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. Clerical office and administrative personnel are to be reported separately as appropriate for the ownership of the steam plant; 5305 for cities and towns; 5306 for counties; or 4904 and 6303 for nonmunicipal.

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 98-18-042, filed 8/28/98, effective 10/1/98)

### WAC 296-17-544 Classification 1404.

#### 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, and maintenance personnel (~~and on-board food service~~). Ticket sellers (~~can~~) may 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. On-board food service personnel may be reported separately in classification 3905 as long as their duties are limited to food service and they do not facilitate the train ride or train ride operation in any way.

#### **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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-545 Classification 1501.**

#### **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~~) internal inventory and supply 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; port districts which are to be reported separately in classification 4201; 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~~) internal inventory and supply 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~~) and internal inventory and supply clerks of the tribal council. 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 opera-

tions 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-552 Classification 1801.**

##### **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 desilvertized 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 fur-

naces. 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-564 Classification 2104.**

**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))~~ suppliers 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))~~ potatoes into seed potatoes. Processing plants receive whole potatoes from their suppliers. At the plant the potatoes are moved along on a conveyor belt, cleaned as appropriate, cut into small pieces (usually quarters), and treated with a fumigant powder or other sterilizer. The smaller pieces, referred to as "seed potatoes," are delivered to farmers who plant them 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-57603 Classification 3304.**

**3304-00 Fish processors, packers and repackagers - 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 or shellfish 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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

### **WAC 296-17-580 Classification 3402.**

#### **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, ripsaws, 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 in the manufacture or repair of travel trailer bodies ((~~manufacturing or repair~~) or cargo containers. 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 primarily 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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-581 Classification 3403.**

**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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-583 Classification 3406.**

**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, transmission, 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;))~~ establishments engaged in the service or repair of machinery or equipment N.O.C. which ~~((are))~~ is to be reported separately in classification ~~((3413))~~ 6409; and detailing performed in connection with full service gas sta-

~~tor, or bus repair services which are to be reported separately in classification 3413;))~~ establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; 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;))~~ establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; 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 connection with ~~((semi-truck, tractor or bus dealers, service centers or repair garages))~~ establishments engaged in the service or repair of machinery or equipment N.O.C. which ~~((are))~~ is to be reported separately in classification ~~((3413))~~ 6409; and detailing performed in connection with full service gas sta-

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tions which are to be reported separately in classification 3406-00.

#### **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))~~ establishments engaged in the service or repair of machinery or equipment, N.O.C. which are to be reported separately in classification ~~((3413))~~ 6409; 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-58502 Classification 3410.**

#### **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, and offer automobile or truck washing services, 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-615 Classification 3902.**

#### **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. Shak-

ers 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, salads and ((other product blends)) certain ready-to-eat dishes that are usually sold to wholesale distributors. 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 simi-~~



~~lar 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, cornmeal, 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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

### **WAC 296-17-647 Classification 4806.**

#### **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 classifica-

tion 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; the picking of wild berries or other products in forests or other lands not associated with farming operations; 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:** Classification 4806 is not to be assigned to any grower as the single farming classification. Refer to classification 4802 for berry or flower and bulb raising operations and to classification 4803 for orchard operations.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-649 Classification 4808.**

**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:

Alfalfa	Garlic	Potatoes
Barley	Grain	Rye
Beans, Dry	Grass Seed	Sugar Beets
Clover	Hay	Timothy
Corn	Peas, Dry	Wheat

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.

PERMANENT

**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:

- Barley
- Corn
- Rye
- Wheat

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 in storage warehouses or cellars. Work contemplated by this classification is limited to sorting the good potatoes from damaged ones or from debris such as vines or rocks, piling them into the storage area by size, and storing them until they are taken to processing or packing plants. Sorting may be done 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.

PERMANENT

**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 agricul-

tural 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-653 Classification 4904.****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.~~) Individuals performing duties as an agent, broker, or solicitor (and hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010, 48.17.020, and 48.17.030. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department. In addition, care should be exercised to deter-

mine if the insurance company employs individuals such as receptionists, bookkeepers, or claims clerks who perform clerical duties which may include the incidental taking of insurance applications and receiving premiums in the office of an agent or broker. Such individuals may or may not hold a license as issued by the office of the insurance commissioner, and are not deemed to be a solicitor, agent or broker when compensation is not related to the volume of such applications, insurance, or premiums. In these instances, the clerical individuals fall under mandatory workers' compensation coverage, and do not meet the requirements to be exempt from coverage as specified in RCW 51.12.020(11).

#### **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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-675 Classification 5206.**

#### **5206-78 Permanent yard or shop operations; logging or log hauling contractor**

Applies to a 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 a 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-678 Classification 5305.**

#### **5305-06 Clerical office ((and)), administrative employees, and elected officials of cities and towns**

Applies to clerical office ((and)), administrative employees, and elected officials 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-679 Classification 5306.**

#### **5306-07 Clerical office ((and)), administrative employees, and elected officials of counties, public utility districts and taxing districts, N.O.C.**

Applies to clerical office ((and)), administrative employees, and elected officials of counties, public utility districts and taxing districts, not otherwise classified (N.O.C.). Cleri-

cal 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 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 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 associ-

ated 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 98-18-042, filed 8/28/98, effective 10/1/98)

### **WAC 296-17-686 Classification 6109.**

#### **6109-00 Physicians (~~and~~), surgeons, and medical clinics, N.O.C.**

Applies to establishments of licensed practitioners such as physicians and surgeons, and to medical clinics not covered by another classification (N.O.C.) (~~who are~~) engaged in the practice of general or specialized medicine and surgery. 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 or in a medical clinic, 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; 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.

#### **6109-01 Dentists(~~(, N.O.C.))~~ and dental clinics**

Applies to establishments of licensed dental practitioners ~~((who are))~~ and dental clinics 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 or 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, 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 tech-

niques, 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 resonance 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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-693 Classification 6207.**

**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 also includes automobile stunt shows, such as monster trucks or motorcycle car jumps, that perform for entertainment purposes. Covered employments associated with automobile stunt shows include, but are not limited to, drivers, mechanics, and maintenance employees who set up and take down ramps or other structures used in the show.

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 98-18-042, filed 8/28/98, effective 10/1/98)

#### WAC 296-17-698 Classification 6303.

#### 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.)) Individuals performing duties as an agent, broker, or solicitor (and hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010, 48.17.020, and 48.17.030. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department.~~

#### 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### WAC 296-17-699 Classification 6304.

#### 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-700 Classification 6305.**

##### **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 pro-

vided 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.

**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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-703 Classification 6308.****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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-704 Classification 6309.****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*)), or in the 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 also includes merchants who are engaged in the sale and/or hand packaging of agricultural seeds that have been processed by others.

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 merchan-

dise 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, cashiering, 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 assort-

ment 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, cashiering, 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 contemplated 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 deliv-



ering 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-706 Classification 6402.**

#### **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.

PERMANENT

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-707 Classification 6403.**

**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 establishments engaged in the sale of nutritional supplements such as, but not limited to, vitamins, herbal compounds, protein powders, or energy bars, which are to be reported separately in classification 6406; 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 pro-

vided all the conditions of the general reporting rules covering standard exception employees have been met.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-708 Classification 6404.**

**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)) Potted 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)) potted plants or aquariums. Establishments subject to this classification will deliver, set up, service, and maintain plants or aquariums at the customer's location. The plants or aquariums are usually located inside, but may also be placed on extended living areas such as, but not limited to, porches, patios, or decks. 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-709 Classification 6405.**

**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)) is 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 precured 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 precured 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-710 Classification 6406.**

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 operations which are to be reported separately in classification 4101.

**Special note:** Refer to classification 6406 general description at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule for operations excluded from this classification.

**6406-16 Stores: Drug - retail**

Applies to establishments engaged in the retail sale of prescription and nonprescription drugs and/or nutritional supplements such as, but not limited to, vitamins, herbal compounds, and energy bars. (~~Establishments~~) Drug stores subject to this classification (~~will routinely~~) may also 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 col-

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lectibles. 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule 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 at the beginning of this rule for operations excluded from this classification.

#### **6406-31 Stores: (~~Kitchen, bath and drapery~~) Housewares - retail**

Applies to establishments engaged in the retail sale of (~~kitchen or bathwares~~) housewares 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 at the beginning of this rule 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 at the beginning of this rule for operations excluded from this classification.

AMENDATORY SECTION (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-711 Classification 6407.**

#### **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 inventories, (~~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 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 98-18-042, filed 8/28/98, effective 10/1/98)

#### **WAC 296-17-712 Classification 6408.**

#### **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 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.) Applies to establishments engaged in the sale, lease, and/or rental, of new or used farm machinery and implements. This classification also applies to the service, repair and/or demonstration of those items by the dealer either on their premises or at the customer's site. For purposes of this classification the term farm machinery refers to engine-powered machinery such as, but not limited to, tractors, combines, and swathers, riding mowers, sprayers, pumps, and

generators. Implements include, but are not limited to, plows, discs, balers, or rakes which are attached to and/or powered by farm machinery. The variety of merchandise varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. In addition to parts for the machinery or implements, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes sales and lot personnel, service managers and employees, parts department employees, towing service for in-shop repairs, delivery of merchandise to the customer, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers.

This classification excludes establishments that repair and/or service farm type tractors, but who are not involved in the sale of them, which are to be reported separately in classification 6409; store operations of dairy equipment and supply dealers which are to be reported separately in classification 6407; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-713 Classification 6409.**

**((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 geo-

graphical 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:))

**6409-00 Dealers: Machinery/equipment, N.O.C.:**

**Service/repair garages: Machinery/equipment, N.O.C.**

Applies to establishments engaged in the sale, lease, rental, service, and/or repair of new or used machinery and equipment not covered by another classification (N.O.C.). For purposes of this classification the terms machinery or equipment includes, but are not limited to, semi trucks, diesel tractors, buses, construction equipment, concrete barriers and other flagging equipment used in construction projects, logging equipment, transportation equipment, freight hauling equipment, well drilling equipment, power generators, and industrial or manufacturing machinery. Operations of dealers include, but are not limited to, the sale, lease, rental, demonstration, service, or repair of their equipment, either on their premises or at the customer's site, and delivery to customer. The variety of merchandise carried by a machinery and equipment dealer varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. Operations of service centers include diagnostic services, all phases of mechanical service such as, but not limited to, tuning, overhauling and/or rebuilding engines, motors, or transmissions, resurfacing heads, repairing carburetors or fuel injection systems and grinding valves or brakes on equipment or machinery owned by others. In addition to parts for the machinery and equipment, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes sales and lot personnel, service managers and employees, parts department employees, towing service for in-shop repairs, and regional sales and/or service representatives who provide factory service or training to local dealers and other customers. This classification also includes the rental and installation of temporary fences.

This classification excludes farm machinery and equipment dealers who are to be reported separately in classifica-



tion 6408; installation of industrial plant equipment which is to be reported separately in classification 0603; store operations of dairy equipment and supply dealers which is to be reported separately in classification 6407; the installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603; all field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and the manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

**AMENDATORY SECTION** (Amending WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-717 Classification 6504.**

**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 WSR 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-719 Classification 6506.**

**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 microfilming 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 micro-

fiche. 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-72202 Classification 6511.**

**6511-00 Chore services**

Applies to establishments engaged in providing chore ~~((workers/home care assistants))~~ services to private individuals. ~~((The))~~ Chore 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 98-18-042, filed 8/28/98, effective 10/1/98)

**WAC 296-17-764 Classification 7202.**

**7202-00 Real estate agencies**

Applies to establishments engaged in buying, selling, renting, and appraising real estate for others. A real estate ~~((agent))~~ licensee will study property listings, accompany clients to ~~((the))~~ property sites to show the property, and ~~((draw up))~~ assist in the completion of real estate ~~((contracts))~~ documents such as ~~((deeds))~~ real estate contracts, leases, and ~~((mortgages))~~ seller's disclosure documents. 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 WSR 90-20-092, filed 10/1/90, effective 11/1/90)

**WAC 296-17-87304 Change in ownership with an accompanying change in business activities.** When a majority change in the ownership of a firm (business) is accompanied by a change in the business activity of the firm (business) and this change is sufficient to result in a reclassification of the basic classification assigned to the firm (business), then the past experience, prior to the change, shall be excluded from future experience ratings of the acquiring entity. If the change in business activities is not sufficient to result in a reclassification of the basic classification assigned to the firm (business), the acquiring entity shall retain the past experience attributable to the firm (business) or portion thereof which was purchased. For purposes of this rule, the term "basic classification" shall mean the classification other than standard exception classifications as defined in WAC ~~((296-17-440))~~ 296-17-31018(2) which produces the largest number of worker hours during the calendar year in which the change in business operations is noted. The basic classification of a business shall be determined in accordance with WAC ~~((296-17-310 (2) and (7) "overview" and "assignment of classifications."))~~ 296-17-31012.

**AMENDATORY SECTION** (Amending Order 73-22, filed 11/9/73, effective 1/1/74)

**WAC 296-17-900 Premium discounts.** ~~((In providing a rate modification system consistent with recognized insurance principles, the department may, in addition to the experience rating plan, provide a premium discount plan which recognizes the differences in administrative expense to the department in collecting premiums from employers based on differences in their premium volume.))~~ (1) A premium discount is a reduction of premium, of a specified amount or percentage, which is earned by meeting certain requirements or conditions not required of all employers.

(2) The department may offer a specified group of employers a premium discount plan to encourage participation in a pilot project or other department program intended to evaluate or promote alternatives in premium reporting or loss control initiatives.

**AMENDATORY SECTION** (Amending WSR 96-18-040, filed 8/29/96, effective 9/29/96)

**WAC 296-17-90120 Qualifications for drug-free workplace discount.** (1) Employers must maintain all industrial insurance accounts in good standing with the department, such that at the time of certification and for the duration of the certification period, no outstanding premium, penalties, or assessments are due and quarterly reporting of payroll has been made in accordance with WAC ~~((296-17-340))~~ 296-17-31023. The department may at its discretion, determine that an employer is in good standing if the employer and the department agree upon a payment schedule or other arrangements satisfactory to the department for payment of the outstanding debt. Final determination of an employer's eligibility to participate in this discount program under this section

rests with the department subject to review under chapter 51.52 RCW.

(2) An employer may not receive more than one premium discount. If participating in more than one program involving premium discounts, an employer will receive only the largest individual discount.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-58505      Classification 3413.

**WSR 99-18-069**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 31, 1999, 10:00 a.m.]

Date of Adoption: August 31, 1999.

Purpose: To adopt a new chapter, chapter 296-150V WAC, Conversion vendor units and medical units, which is less stringent than current rules while maintaining fire protection and other life and safety requirements for the occupants and the consumer.

Statutory Authority for Adoption: Chapter 43.22 RCW.

Adopted under notice filed as WSR 99-13-200 on June 23, 1999.

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 76, 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 31, 1999

Gary Moore

Director

## Chapter 296-150V WAC

### CONVERSION VENDOR UNITS AND MEDICAL UNITS

#### NEW SECTION

##### **WAC 296-150V-0010 Authority, purpose, and scope.**

(1) This chapter is authorized by RCW 43.22.340 through 43.22.434 covering the construction, alteration, and approval of conversion vendor units and medical units sold, leased, or used in Washington state.

(2) This chapter applies to the approval of conversion vendor unit and medical unit manufacturers, dealers, and to any person who manufactures or alters the plumbing, mechanical, or electrical system of a conversion vendor unit or medical unit.

#### NEW SECTION

**WAC 296-150V-0020 What definitions apply to this chapter? "Alteration"** is the replacement, addition, modification, or removal of any equipment or installation that affects the construction for concentrated floor loads, fire and life safety, or the plumbing, mechanical, and electrical systems of a conversion vendor unit or medical unit.

The following are not considered alterations:

- Repairs with approved parts;
- Modifications of a fuel-burning appliance according to the listing agency's specifications; or
- Adjustment and maintenance of equipment.

"**Approved**" is approved by the department of labor and industries.

"**Consumer**" is a person or organization, excluding a manufacturer or dealer of conversion vendor units or medical units, who buys or leases a conversion vendor unit or medical unit.

"**Conversion vendor unit**" means a motor vehicle or other structure that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be 8 feet 6 inches or less in width (exterior floor measurement) in the set-up position, and the inside working area must be less than 40 feet in length (interior floor measurement). Conversion vendor units:

- Are transported in only one section;
- Are designed for highway use;
- Are temporarily occupied for distribution of items, e.g., food;
- Are built on a permanent chassis; and
- Include at least one of the following systems: Plumbing, mechanical or 120 and/or 240 volt electrical.

"**Damaged in transit**" means damage that affects the integrity of a concentrated floor load design or any of the systems.

"**Dealer**" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading conversion vendor units, or medical units.

"**Department**" is the department of labor and industries. The department may be referred to as "we" or "us" in this

chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, P.O. Box 44440, Olympia, WA 98504-4440.

**"Design plan"** is a plan for the construction or alteration of a conversion vendor unit or medical unit or conversion of a vehicle to a conversion vendor unit or medical unit including floor plans, specifications, or test results necessary for a complete evaluation of the design, if applicable.

**"Design option"** is a design that a manufacturer may use as an option to its conversion vendor unit or medical unit design plan.

**"Equipment"** is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a conversion vendor unit or medical unit.

**"Factory assembled structure (FAS) advisory board"** is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to conversion vendor units and medical units.

**"Insignia"** is a label that we attach to a conversion vendor unit or medical unit to verify that the structure meets the requirements of this chapter and the applicable codes.

**"Install"** is to erect, construct, assemble, or set a conversion vendor unit or medical unit in place.

**"Labeled"** is to bear the department's insignia.

**"Listed"** is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

**"Local enforcement agency"** is an agency of city or county government with power to enforce local regulations governing the installation of a conversion vendor unit or medical unit.

**"Medical unit"** is a type of self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles, and which:

- Is transportable;
- Is temporarily placed and used;
- Is built on a permanent chassis;
- Includes at least one system;
- Is for temporary use only.

**"One-year design plan"** is a design plan that expires one year after approval or when a new state building code has been adopted.

**"System"** is part of a conversion vendor unit or medical unit designed to serve a particular function. Examples include plumbing, electrical, or mechanical systems.

**"Temporary locations"** means a maximum of thirty days on a site.

#### NEW SECTION

##### **WAC 296-150V-0030 How is this chapter enforced?**

(1) To enforce this chapter, we or another governmental inspection agency will inspect each conversion vendor unit or medical unit manufactured, sold, leased, or used in Washington state as required by this chapter.

(2) We will inspect all alterations.

(3) We will conduct inspections during normal work hours or at other reasonable times.

#### NEW SECTION

**WAC 296-150V-0040 Is manufacturing information kept confidential?** We will only release manufacturing information such as design plans, specifications, and test results according to the requirements of the Public Records Act (see RCW 42.17.310 (1)(h)) unless we are ordered to do so by a court or otherwise required by law.

#### NEW SECTION

**WAC 296-150V-0050 Can you prohibit the sale or lease of a conversion vendor unit or medical unit?** (1) We may prohibit the sale or lease of your conversion vendor unit or medical unit because it is unlawful for any person to sell, lease, or offer for sale a conversion vendor unit or medical unit within this state if it violates any of the requirements of this chapter.

(2) If an inspection reveals that a conversion vendor unit or medical unit violates this chapter, we may post a notice prohibiting the sale or lease of a conversion vendor unit or medical unit.

#### NEW SECTION

**WAC 296-150V-0060 Who handles consumer complaints about conversion vendor units or medical units?** (1) Consumers may file complaints within one year of the date of manufacture.

(2) The complaint should be in writing and describe the item(s) that may not comply with this chapter.

(3) After we receive the complaint, we will send the manufacturer and the dealer a copy of the complaint.

(4) The manufacturer and/or dealer have thirty days to respond. We will base our actions on the response.

#### NEW SECTION

**WAC 296-150V-0070 Do you have reciprocal agreements with other states to inspect conversion vendor units and medical units?** (1) We will enter into reciprocal agreements with states that have inspection standards equal or greater than our standard.

(2) When we have a reciprocal agreement with another state:

(a) The reciprocal state inspects the conversion vendor units and medical units manufactured in that state before shipment into Washington to ensure compliance with our laws. After inspection, the reciprocal state applies our insignia.

(b) The department inspects conversion vendor units and medical units manufactured in Washington before shipment into the reciprocal state to ensure compliance with their laws. After inspection, we apply the insignia of the reciprocal state.

(3) We have reciprocal agreements on file.

NEW SECTION

**WAC 296-150V-0080 Do you allow a local enforcement agency to inspect conversion vendor units and medical units at the manufacturing location?** (1) A local enforcement agency (city or county), under contract with us, can inspect conversion vendor units and medical units. In some cases, another agency's contracts may be limited to specific portions of an inspection at specified manufacturing locations.

(2) After approving a unit, the local enforcement agency will attach the insignia which indicates that the unit has passed inspection.

NEW SECTION

**WAC 296-150V-0100 What happens if I disagree with your decision regarding my compliance with this chapter?** (1) If we determine that you are in violation of this chapter, you will receive a notice of noncompliance.

(2) If you disagree with our decision, you can send us a written request for a hearing, stating why you disagree.

(3) After we receive your hearing request, we will:

(a) Schedule a hearing within thirty days after we receive your request;

(b) Notify you of the time, date, and place for the hearing. If you fail to appear, your case will be dismissed;

(c) Hear your case;

(d) Send written notice of our decision to you.

(4) If you disagree with our decision, you may appeal it under the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

**WAC 296-150V-0110 Do you have an advisory board to address conversion vendor unit and medical unit issues?** The factory assembled structures (FAS) board advises us on issues relating to plumbing, mechanical, electrical, inspections, and rule adoption for conversion vendor units and medical units. (See RCW 43.22.420.)

NEW SECTION

**WAC 296-150V-0120 Where can I obtain technical assistance regarding conversion vendor units or medical units?** We offer field technical service to conversion vendor unit and medical unit manufacturers for an hourly fee. (See WAC 296-150V-3000.) Field technical service may include evaluation, consultation, plan examination, interpretation, and clarification of technical data relating to the application of our rules. It does not include inspections.

NEW SECTION

**WAC 296-150V-0140 Do you allow the use of alternate materials, design, or method of construction?** An applicant may apply for the use of alternate materials, design, or methods of construction different from the requirements of this chapter by filing a written request with the department.

(1) **Responsibilities of the applicant.** The applicant must submit in writing the following information:

(a) Name, address, and phone number;

(b) The specific requirement or requirements from which the alternate material, design, or method of construction is requested;

(c) Adequate justification that the requirements of this chapter cannot be met without using alternate materials, design, or method of construction;

(d) How the use of alternate materials, design, or method of construction will achieve the same result as the requirement and any specific alternative measures to be taken to show the alternate provides the same level of protection to life, safety and health as the requirements;

The department has a form that you may use for your request. Please contact us at the address shown in WAC 296-150V-0020, Definitions.

(2) **Responsibilities of the department.** The department will provide a written response to the applicant within thirty days of receipt of the written request. The written response will state the acceptance or denial of the request, including the reasons for the department's decision. At a minimum the department will base its decision on:

(a) The applicant's request as described in subsection (1) of this section;

(b) Research into the request;

(c) Expert advice.

(3) **Applicant's response to denials.** The applicant may appeal the department's decision by following the procedure in WAC 296-150V-0100.

NEW SECTION

**WAC 296-150V-0200 Who must obtain conversion vendor unit or medical unit insignia?** (1) You must obtain an insignia from us for each conversion vendor unit or medical unit manufactured, sold, leased, or used in Washington state.

(2) You do not need an insignia for a conversion vendor unit or medical unit:

(a) When a unit has been used outside of the state for six months before being brought into Washington state (see RCW 43.22.380); or

(b) If a unit was manufactured prior to July 1, 1968. (See RCW 43.22.370.)

(3) You must obtain an insignia when conversion vendor units or medical units are altered in Washington state.

(4) You must obtain an alteration insignia when a conversion vendor unit or medical unit is damaged in transit after leaving the manufacturing location or during an on-site installation and an alteration or repair is necessary. The insignia indicates the conversion vendor unit or medical unit was altered or repaired.

(5) You must have an approved design plan and pass our inspection before we will attach an insignia.

Note: All conversion vendor units and medical units must have insignia if they are altered; this includes the exceptions in subsection (2)(a) and (b) of this section.

NEW SECTION

**WAC 296-150V-0210 What are the insignia requirements?** (1) If you are applying for insignia, you must have your design plan approved and your conversion vendor unit or medical unit inspected and approved by us.

(2) If you are a manufacturer, dealer, or owner applying for an alteration insignia, your alteration must be inspected and approved by us. Approval of the design plan may also be required.

(3) We will attach the insignia to your conversion vendor unit or medical unit after:

(a) We receive from you the required forms and fees listed in WAC 296-150V-3000; and

(b) Your conversion vendor unit or medical unit has passed final inspection.

NEW SECTION

**WAC 296-150V-0220 How do I obtain insignia information and the required forms?** Upon request, we will provide you with a packet of information that includes the required forms. Our address is noted in the definition of "department" in WAC 296-150V-0020.

NEW SECTION

**WAC 296-150V-0230 What are the insignia application requirements?** (1) If you are requesting insignia for conversion vendor units or medical units that you intend to manufacture under a new design plan, your completed application must include:

(a) A completed design plan approval request form;

(b) One complete set of design plans, specifications, engineering analysis and test procedures and results (when applicable), plus one additional set for each manufacturing location where the design plan will be used;

(c) At least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. We will retain the set with the original wet stamp; and

(d) A one-time initial filing fee, the design plan fee, and the fee for each insignia (see WAC 296-150V-3000).

(2) If you are requesting insignia under an approved design plan, your completed application must include:

(a) A completed insignia application form; and

(b) The fee for each conversion vendor unit or medical unit insignia (see WAC 296-150V-3000).

NEW SECTION

**WAC 296-150V-0240 What documentation do you need to perform an alteration inspection?** If you alter a conversion vendor unit or medical unit, we must inspect the alteration.

(1) Before we perform an alteration inspection and attach an alteration insignia, you must send us:

(a) Description of the proposed alteration;

(b) The plan review fee;

(c) The inspection fee; and

(d) The insignia application and fee.

(2) A design plan review is not required if the alteration can be made without altering any of the existing structure.

Note: All fees are listed in WAC 296-150V-3000 at the end of this chapter.

NEW SECTION

**WAC 296-150V-0250 How do I replace lost or damaged insignia?** (1) If an insignia is lost or damaged after it is placed on a conversion vendor unit or medical unit, you may obtain a replacement insignia by contacting us and providing the following:

(a) Your name, address, and telephone number;

(b) The name of the manufacturer or person converting the conversion vendor unit or medical unit;

(c) The serial number;

(d) The manufacturer number (V#) if available;

(e) The insignia number if available;

(f) The required fee from WAC 296-150V-3000; and

(2) If we can determine that your unit previously had an insignia, we will:

(a) Perform an inspection to ensure that no unauthorized remodeling has occurred; and

(b) Attach an insignia to your unit once we receive your insignia fee listed in WAC 296-150V-3000.

Note: If unauthorized remodeling has occurred see WAC 296-150V-0200.

NEW SECTION

**WAC 296-150V-0300 When is design-plan approval required?** Design plans for conversion vendor units and medical units are required for units that are sold, leased, or used in Washington state and must be approved when:

(1) You build a new unit;

(2) You modify an approved design plan through addendums;

(3) You add options to an approved design plan through addendums.

NEW SECTION

**WAC 296-150V-0310 Who can approve design plans?** Your design plan must be approved by the department.

NEW SECTION

**WAC 296-150V-0320 What must I provide with my request for conversion vendor unit or medical unit design-plan approval by the department?** (1) All requests for design-plan approval must include:

(a) A completed design-plan approval request form;

(b) Two sets of design plans, specifications and test results and procedures necessary for a complete evaluation of the design;

(c) Receipt of the design-plan fee listed in WAC 296-150V-3000;

(d) Receipt of the initial design-plan filing fee and the initial design-plan fee.

(2) If a structural analysis or test is required for a concentrated floor load, at least one set of design plans must have an original wet stamp from a professional engineer or architect licensed in Washington state. All new, renewed, and resubmitted plans, specifications, reports and structural calculations prepared by or prepared under the engineer or architect's direct supervision shall be signed, dated and stamped with his or her seal. Specifications, reports, and structural calculations may be stamped only on the first sheet, provided this first sheet identifies all of the sheets that follow are included and identified in the same manner. Plans that have not been prepared by or under the engineer's or architect's supervision shall be reviewed and he or she must prepare a report concerning the plans. This report must:

(a) Identify which drawings have been reviewed by drawing number and date;

(b) Include a statement that the plans are in compliance with current Washington state regulations; and

(c) Be stamped and signed by the reviewer.

(3) Any deficiencies shall be corrected on the drawings before submitting to the department or be included in the report and identify as to how they are to be corrected. This report shall be attached to the plan(s) that were reviewed. We will retain the set with the original wet stamp.

(4) All plans required by WAC 296-46-140, plan review for health care facilities, require a separate electrical plan review and electrical plan review fees (see fees in WAC 296-150V-3000).

#### NEW SECTION

**WAC 296-150V-0340 When is an engineering analysis or structural load test for design plans required?** An engineering analysis or structural load test may be required when there are concentrated loads of 500 pounds or more in a 16 square feet or less area.

#### NEW SECTION

**WAC 296-150V-0350 What must test procedures and results for design plans include?** (1) Test to a design must be witnessed by a professional engineer or architect licensed in Washington or by a department employee.

(2) Test reports must contain the following items:

(a) A description of the methods or standards that applied to the test;

(b) Drawings and a description of the item tested;

(c) A description of the test set-up;

(d) The procedure used to verify the correct load;

(e) The procedure used to measure each condition;

(f) Test data, including applicable graphs and observations of the characteristics and behavior of the item tested; and

(g) Analysis, comments, and conclusion.

#### NEW SECTION

**WAC 296-150V-0380 What happens if you approve my design plan?** (1) Your design plan will be approved if it meets the requirements of this chapter.

(2) We will send you an approved copy of the design plan with the design-plan approval number.

(3) You must keep copies of the approved design plan available for inspection at each location where the conversion vendor unit or medical unit is built.

(4) If your design plan is not approved, you will be notified in writing of plan deficiencies. You may send a corrected design plan to us along with the resubmittal fee listed in WAC 296-150V-3000.

#### NEW SECTION

**WAC 296-150V-0390 If my design plan is not approved, how much time do I have to submit a corrected design plan?** (1) You have ninety days to correct and resubmit your original design plan and send us the resubmittal fee after we notify you of plan deficiencies. After ninety days, your initial design plan is returned to you.

(2) If you submit your corrected design plan after ninety days, the initial design-plan fee is required instead of the resubmittal fee. (See WAC 296-150V-3000.)

#### NEW SECTION

**WAC 296-150V-0400 What happens after my design plan is approved?** Once your design plan is approved, we will inspect each conversion vendor unit and medical unit.

#### NEW SECTION

**WAC 296-150V-0410 When does my design plan expire?** (1) Your conversion vendor unit or medical unit one-year design plan expires either one year after approval or when there is an electrical code change. You must submit new design plans for approval when there is a state building code cycle change. You may use your design plans to order insignia as long as they comply with the applicable codes.

(2) All National Electrical Code (NEC) amendments may be incorporated by an addendum to your design plan.

#### NEW SECTION

**WAC 296-150V-0415 Who approves addendums to design plans?** Any addendums to a design plan must be approved by the department.

#### NEW SECTION

**WAC 296-150V-0500 When is an inspection required?** (1) Before we issue an insignia, each unit manufactured or converted must be inspected as many times as required to show compliance with this chapter.

(2) Before we issue an insignia, a conversion vendor unit or medical unit must be inspected at the manufacturing loca-

tion as many times as required. Inspections may include, but are not limited to:

(a) A "cover" inspection during construction of the unit before the electrical, plumbing, mechanical, and structural systems (if required) are covered;

(b) Insulation and vapor barrier inspection, if required; and

(c) A final inspection after the conversion vendor unit or medical unit is complete.

(3) If we discover a violation during inspection, we will issue a notice of noncompliance. You can correct the violation during the inspection. If you cannot correct the violation during inspection, you must leave the item uncovered until we approve your correction.

(4) If a conversion vendor unit or medical unit is damaged in transit to the building site or during on-site installation, it must be inspected. This is considered an alteration inspection. (See WAC 296-150V-0240.)

(5) Approved plans must be available.

(6) Once your unit is inspected and approved we will attach the insignia. Before we issue an insignia, each conversion vendor unit or medical unit is inspected as follows:

(a) Inspection(s) during conversion or alteration of a conversion vendor unit or medical unit; and

(b) A final inspection after the conversion vendor unit or medical unit is complete.

Note: Each conversion vendor unit or medical unit must have a serial number so we can track inspections.

#### NEW SECTION

**WAC 296-150V-0510 How do I request an inspection?** You must contact us and we will let you know where your request for inspection should be submitted. Our address is noted in the definition of department in WAC 296-150V-0020.

(1) We must receive in-state inspection requests at least seven calendar days prior to the date that you want the inspection.

(2) We must receive out-of-state inspection requests at least fourteen calendar days prior to the date that you want the inspection.

#### NEW SECTION

**WAC 296-150V-0520 What happens if my conversion vendor unit or medical unit passes inspection?** If your conversion vendor unit or medical unit passes inspection and you have met the other requirements of this chapter, we will attach the insignia.

#### NEW SECTION

**WAC 296-150V-0530 Am I charged if I request an inspection but I am not prepared?** If you ask us to inspect a conversion vendor unit or medical unit within Washington state but you are not prepared when we arrive, you must pay the inspection fee and travel. If the inspection is outside of Washington state and you are not prepared, you must pay the inspection fee, travel, and per diem expenses.

#### NEW SECTION

**WAC 296-150V-0540 Who inspects a conversion vendor unit or medical unit installation at the building site or event location?** The local enforcement agency (city or county) must approve the installation. Alterations to conversion vendor units or medical units must be inspected and approved by us.

Note: The local enforcement agency may not open the concealed construction of a conversion vendor unit or medical unit to inspect it if our insignia is attached.

#### NEW SECTION

**WAC 296-150V-0550 Do you allow a conversion vendor unit or medical unit to be completed at the installation site?** No. Conversion vendor units or medical units must be completed at the manufacturing location before an insignia is attached.

#### NEW SECTION

**WAC 296-150V-0560 What happens if I receive a notice of noncompliance after inspection of the alteration to my conversion vendor unit or medical unit?** (1) If your conversion vendor unit or medical unit alteration does not pass our inspection, you will receive a notice of noncompliance. The notice of noncompliance explains what items must be corrected.

(2) You have twenty days after receiving the notice of noncompliance to send us a written response to explain how you will correct the violations.

(3) You are not allowed to sell, lease, offer for sale or use the altered conversion vendor unit or medical unit until you correct the violations. We must inspect and approve the corrections, and you must pay any required inspection and insignia fees listed in WAC 296-150V-3000.

#### NEW SECTION

**WAC 296-150V-0580 Must I obtain an insignia for used conversion vendor units or medical units?** All used conversion vendor units or medical units that are to be installed on a building site or used in Washington state must have an insignia of approval from us, with the exception of those in WAC 296-150V-0200(2).

#### NEW SECTION

**WAC 296-150V-0590 How do I obtain insignia for used conversion vendor units or medical units?** We consider used conversion vendor units and medical units as new units for purposes of insignia approval. To obtain insignia, you must:

(1) Have the design plan approved (see WAC 296-150V-0300 and 296-150V-0320);

(2) Purchase insignia (see WAC 296-150V-0200 through 296-150V-0230); and

(3) Pass a unit inspection (see WAC 296-150V-0500 through 296-150V-0560).



Note: You will be required to open up as much of the construction of the unit as is necessary for inspection to show compliance with your approved design plan.

#### NEW SECTION

**WAC 296-150V-0700 Must manufacturers of conversion vendor units and medical units notify you if they manufacture at more than one location?** (1) If you are manufacturing conversion vendor units and medical units at more than one location, approved design plans must be available at each manufacturing location.

(2) You must send us the following information for each manufacturing location:

- (a) Company name;
  - (b) Mailing and physical address; and
  - (c) Phone and FAX number, if available.
- (3) You must update this information as it changes.

#### NEW SECTION

**WAC 296-150V-0710 Must manufacturers of conversion vendor units and medical units notify you of a change in business name or address?** If you are moving you must notify us in writing prior to a change of business name or address and include the change of name and address.

#### NEW SECTION

**WAC 296-150V-0720 Must manufacturers of conversion vendor units and medical units notify you of a change in business ownership?** (1) When a manufacturer changes ownership, the new owner must notify us in writing immediately.

(2) A new owner may continue to manufacture the units according to a prior approved design plan if the prior owner provides written releases of the design plan.

#### NEW SECTION

**WAC 296-150V-0800 What manufacturing codes apply to conversion vendor units or medical units?** (1) A conversion vendor unit or medical unit must comply with the following codes where applicable:

- (a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-42 WAC;
- (b) The National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46 WAC, installing electric wires and equipment;
- (c) The Uniform Plumbing Code 1997 edition with the amendments under chapter 19.27 RCW;
- (d) The Washington State Building Code Council, chapter 51-40 WAC, Uniform Building Code, Chapter 11, Accessibility as applies to the exterior of the unit relating to customer service facilities in section 1105.4.7; and
- (e) The Washington State Energy Code, chapter 51-11 WAC, and the Washington State Ventilation and Indoor Air Quality Code, chapter 51-13 WAC, when heating and/or air conditioning is installed.

(2) Provide minimum health and safety to the occupants of conversion vendor units and medical units and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The conversion vendor unit or medical unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

#### NEW SECTION

**WAC 296-150V-0930 When are structural load tests or structural calculations required?** (1) A structural analysis is required when a unit has a concentrated floor load of 500 pounds or more in a 16 square feet or less area.

(2) The structural load test can be used as an alternative.

(a) A structural assembly tested for qualification must sustain the design dead load plus the superimposed design live loads for vendor units and medical units assembly.

(b) An assembly failure is defined as a rupture, fracture, or residual deflection which is greater than the limits.

Note: We will provide test procedure forms upon request.

#### NEW SECTION

**WAC 296-150V-0950 What requirements apply to roof coverings?** (1) The roof covering must be securely fastened in an approved manner to the supporting roof construction and must provide weather protection for the vendor unit and the occupants.

(2) Exterior covering materials, including metal coverings, must be moisture and weather resistant and contain corrosion resistant fasteners to prevent wind and rain deterioration.

Note: Electro-plated, electro-deposited zinc, and electro-galvanized staples are not considered corrosion-resistant materials.

(3) All exterior openings or penetrations into the conversion vendor unit or medical unit around piping, ducts, plenums, or vents must be sealed with moisture-resistant material.

#### NEW SECTION

**WAC 296-150V-1040 Are there floor requirements?** Wood floors must be made moisture resistant by an overlay of nonabsorbent material applied with water-resistant adhesive.

#### NEW SECTION

**WAC 296-150V-1070 What requirements apply to floor closure material?** (1) Floor closure material around piping, ducts, plenums, or vents must prevent damage to the underside of the vendor unit due to air, water, insects, dust, and be rodent resistant.

(2) The floor closure material must meet ASTM D-781 standard or equal and be installed as follows:

(a) Fibrous material (with or without patches) must meet or exceed the level of 48 inch-pounds of puncture resistance as tested.

(b) Patching material must be installed according to installation instructions furnished by the supplier of the material.

(c) The material must be suitable for patches and the patch life must be equivalent to the material life.

Note: ASTM D-781 is a puncture test for bottom board materials.

#### NEW SECTION

**WAC 296-150V-1090 What are the standards for equipment and installations?** (1) The manufacturer's equipment and installation specifications must be followed. Other approved standards are acceptable when:

(a) Installed according to the manufacturer's installation instructions; and

(b) Approved by a listing or testing agency.

(2) No solid fuel (e.g., charcoal) appliances may be installed in a conversion vendor unit or medical unit.

Note: Gas furnaces, gas water heaters, and gas refrigerators must be sealed combustion or completely separated from the interior of the conversion vendor unit or medical unit.

#### NEW SECTION

**WAC 296-150V-1100 What are the flame-spread limitations?** The flame-spread requirements are that all walls and ceilings must be of 200 flame-spread or less.

#### NEW SECTION

**WAC 296-150V-1110 Combustible limitations.** (1) The exposed wall adjacent to the cooking range must be 50 flame-spread or less, such as 5/16 inch gypsum board or material having equivalent fire protective properties.

(2) All openings for pipes and vents in furnace and water heater spaces shall be tight-fitted or fire-stopped.

#### NEW SECTION

**WAC 296-150V-1120 What are the standards for wall and cabinet protection?** The bottom and sides of combustible cabinets over cooking appliances or tops including a space of 6 inches from the edge of the burners must be protected with at least 5/16 inch sheetrock with a 25 flame-spread. This material must be behind deep-fat fryers, grills, ranges, and other cooking appliances. It must extend 6 inches beyond the edge of the appliance and range hood.

(1) Range hoods for commercial equipment must meet the requirements of the mechanical code such as fire suppression, etc.

(2) Range hoods for noncommercial equipment may be of a residential type.

(3) The hood must be centered over and at least as wide as the top of the cooking appliance.

#### NEW SECTION

**WAC 296-150V-1170 What are the light and ventilation requirements?** Each bathroom must be provided with artificial light and with a window having at least 1/2 square feet of glazed area that can be fully opened, except where a mechanical ventilation system is installed. Any mechanical ventilation system must exhaust directly to the outside of the conversion vendor unit or medical unit.

#### NEW SECTION

**WAC 296-150V-1180 What requirements apply to conversion vendor unit exits on all units approved after December 31, 1999?** At least one conversion vending unit or medical unit exit must meet the following requirements:

(1) Exterior doors must be constructed for exterior use.

(2) The exterior door must be at least a 28 inch wide clear opening by 72 inches high.

(3) Locks must be operable from the interior of the unit without use of a key.

(4) Exit doors may either be hinged or sliding. Roll-up doors may not be used to meet the requirements of this section.

(5) Existing units with doors less than 28 inches in width must have a second means of exit. The second means of exit for converted units shall be 24 inches by 17 inches, and for newly built units exits must be a minimum of 5 square feet of openable area.

Exception: When there are employees, a minimum of 28 inches clear opening must be provided.

#### NEW SECTION

**WAC 296-150V-1185 What exit door requirements apply to self-propelled medical unit exits?** Exit door(s) on self-propelled medical units must meet the following requirements:

(1) Exterior doors must be constructed for exterior use.

(2) The exterior door must be at least a 28 inches wide clear opening by 72 inches high.

(3) Locks must be operable from the interior of the unit without use of a key.

(4) Exit doors may either be hinged or sliding. Roll-up doors may not be used to meet the requirements of this section.

(5) Units over 24 feet in length must have a minimum of 2 exit doors.

#### NEW SECTION

**WAC 296-150V-1190 Interior privacy locks.** If a conversion vendor unit or medical unit has an interior door, such as a bathroom door, which has a privacy lock, the lock must contain an emergency release. The emergency release must be on the outside to permit entry when the door is locked from the inside.

NEW SECTION

**WAC 296-150V-1220 What code and installation requirements apply to conversion vendor unit or medical unit electrical systems?** The electrical system in any conversion vendor unit or medical unit must comply with the National Electrical Code as referenced in chapter 19.28 RCW, Article 550 and the applicable portions of other Articles as required by this section.

(1) Appliances must be installed per Articles 422 - Appliances.

(2) Generators must be installed per Article 445 - Generators.

(3) On a 120 volt system a 3-wire system can be used. On a 240 volt system a 4-wire system must be used.

Exception: Sign circuits required by Article 600 will not be required.

NEW SECTION

**WAC 296-150V-1303 How must storage batteries be installed in a conversion vendor unit or medical unit?** Storage batteries subject to the provisions of this standard must be securely attached to the conversion vendor unit or medical unit. They must be installed in an area which is vapor-tight to the interior and ventilated directly to the exterior of the unit. When batteries are installed in a compartment, the compartment must be ventilated with openings of not less than 2 square inches at the top and 2 square inches at the bottom. Batteries must not be installed in a compartment containing spark or flame producing equipment, except in an engine generator compartment if the only charging source is the generator itself.

NEW SECTION

**WAC 296-150V-1330 What are the mechanical requirements for a conversion vendor unit or medical unit?** When mechanical and ventilation equipment is installed in or on a conversion vendor unit or medical unit, it must be installed according to the requirements of the Uniform Mechanical Code, and to the conditions of the equipment approval or listing.

NEW SECTION

**WAC 296-150V-1350 What are the LPG system enclosure and mounting requirements for a conversion vendor unit or medical unit?** (1) LPG containers must not be installed, nor stored temporarily, inside any unit. Exception: This prohibition does not apply to completely self-contained hand torches, lanterns, or similar equipment with containers having a maximum water capacity of two and one-half pounds (approximately one pound LPG capacity).

(2) Containers, control valves and regulating equipment, when installed, must meet one of the following requirements:

(a) Be mounted on the "A" frame and not lower than the bottom of the trailer frame; or

(b) Installed in a compartment that is vapor-tight to the inside of the conversion vendor unit or medical unit and accessible only from the outside; or

(c) Be mounted on the chassis or to the floor and neither the container nor its supports may be lower than the top of the axle height.

(3) The compartment must be ventilated at top and bottom to diffuse vapors. The compartment must be ventilated with two vents having an aggregate area of not less than two percent of the floor area of the compartment and must open without restriction to the outside. The required vents must be equally distributed between the floor and ceiling of the compartment. If the lower vent is located in the access door or wall, the bottom edge of the vent must be flush with the floor level of the compartment. The top vent must be located in the access door or wall with the bottom of the vent not more than 12 inches below the ceiling level of the compartment. All vents must have an unrestricted discharge to the outside atmosphere. Access doors or panels of compartments must not be equipped with locks or require special tools or knowledge to open.

(4) Doors, hoods, domes, or portions of housings and enclosures required to be removed or opened for container replacement must incorporate means for clamping them firmly in place and preventing them from working loose during transit. Provisions must be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit.

(5) LPG containers must be mounted on a substantial support or a base secured firmly to the conversion vendor unit or medical unit chassis. Neither the container nor its support can extend below the conversion vendor unit or medical unit frame.

NEW SECTION

**WAC 296-150V-1360 What are the fuel gas piping design requirements for a conversion vendor unit or medical unit?** Conversion vendor units or medical units requiring fuel gas for any purpose must be equipped with a gas piping system that is designed for LPG only or combination LPG and natural gas.

NEW SECTION

**WAC 296-150V-1380 Can gas tubing be concealed in a conversion vendor unit or medical unit?** (1) Tubing must not be run inside walls, floors, partitions, or roofs.

(2) If tubing passes through walls, floors, partitions, roofs, or similar installations, the tubing must be protected by the use of weather resistant grommets that snugly fit both the tubing and the hole through which the tubing passes.

NEW SECTION

**WAC 296-150V-1390 What are the pipe-joint compound requirements for gas piping in a conversion vendor unit or medical unit?** (I) Screw joints must be made

tight with pipe-joint compound that is insoluble in liquefied petroleum gas.

(2) Pipe-joint compound must be approved for the type of gas used. The pipe-joint compound must be applied to the male threads only.

#### NEW SECTION

**WAC 296-150V-1400 What are the gas piping hanger and support requirements for a conversion vendor unit or medical unit?** (1) All gas piping must be adequately supported by galvanized or equivalently protected metal straps or hangers at intervals of not more than 4 feet, except where adequate support and protection is provided by structural members.

(2) Gas pipe supply connections must be rigidly anchored to a structural member within 6 inches of the supply connections.

#### NEW SECTION

**WAC 296-150V-1410 What are the electrical bonding requirements for gas piping in a conversion vendor unit or medical unit?** (1) Gas piping must not be used for an electrical ground.

(2) The gas line must be bonded.

#### NEW SECTION

**WAC 296-150V-1420 How are gas supply connections in a conversion vendor unit or medical unit identified?** A label must be permanently attached on the outside of the exterior wall of the conversion vendor unit or medical unit adjacent to the gas supply connection which provides the following information:

(1) The type of system (i.e., liquid petroleum system or natural gas system or combination liquid petroleum and natural gas system);

(2) The appropriate Btuh input rating; and

(3) If excess ("or more") Btuh input is allowed.

(4) An example of a label would be: Natural Gas System, 250,000 Btuh or more.

#### NEW SECTION

**WAC 296-150V-1430 What requirements apply to gas piping system openings?** All openings in the gas piping system must be closed gas-tight with threaded pipe plugs or pipe caps.

#### NEW SECTION

**WAC 296-150V-1440 Are gas piping shut-off valves required in a conversion vendor unit or medical unit?** (1) In addition to any valve on the appliance, a shut-off valve must be installed in the fuel piping outside of each gas appliance but inside the conversion vendor unit or medical unit structure and upstream of the union or connector. The shut-off valve must be located within six feet of a cooking appli-

ance and within three feet of any other appliance. A shut-off valve may serve more than one appliance if located as required above.

(2) Shut-off valves used in connection with gas piping must be of a type designed for use with liquefied petroleum gas. Shut-off valves must be tested and approved to ANSI Z21.15 standard or equal.

#### NEW SECTION

**WAC 296-150V-1450 What requirements apply to testing for gas piping leaks before conversion vendor unit or medical unit appliances are connected?** (1) The piping system must stand a pressure of at least 10 psi gauge for a period of not less than 15 minutes without showing any drop in pressure.

(2) Pressure must be measured with a gauge calibrated to be read in increments of not greater than 1/10 pound.

(3) The source of pressure must be isolated before the pressure tests are made. Before a test is begun, the temperature of the ambient air and of the piping must be approximately the same, and constant air temperature must be maintained throughout the test.

#### NEW SECTION

**WAC 296-150V-1460 What requirements apply to testing for gas piping leaks after conversion vendor unit or medical unit appliances are connected?** (1) After gas appliances have been connected, the gas-piping system must be subjected to a pressure test with the burner valves closed. The test consists of air at not less than 10 inches nor more than 14 inches pressure of water column (6 to 8 ounces). The system must hold this pressure for a period of not less than 10 minutes with no leakage. Before beginning the test, the temperature of the gas-piping system and the test air must be equalized, and this shall be maintained throughout the test.

(2) Appliance shut-off valves ahead of gas cooking appliances may be closed for the performance of this test. When the test is satisfactorily performed, these valves must be opened and, while the system is under pressure, the appliance connectors must be tested with an approved leak detector or approved bubble solution.

#### NEW SECTION

**WAC 296-150V-1470 What are the requirements for appliance installations?** (1) The installation of each appliance must conform to the manufacturer's installation instructions. The manufacturer's instructions must be attached to the appliance.

(2) Combustion air inlets and flue gas outlets must be listed as components of the appliance and must be completely separated. The required separation may be obtained by:

(a) The installation of direct vent system (sealed combustion system) appliances; or

(b) The installation of appliances within enclosures so that the appliance combustion system and venting system are separate from the interior atmosphere of the conversion ven-

door unit or medical unit. There must not be any door, removable access panel, or other opening into the enclosure from the inside of the conversion vendor unit or medical unit. Any openings for ducts, piping, wiring, etc., must be sealed.

(3) Ranges, cooktops, and ovens must not burn outside combustion air.

#### NEW SECTION

**WAC 296-150V-1530 What general plumbing requirements apply?** This chapter also applies to the installation of plumbing equipment in any conversion vendor unit or medical unit bearing or required to bear a department insignia. Plumbing fixtures, equipment, and installations in conversion vendor units and medical units must conform to the provisions of the Uniform Plumbing Code and the amendments adopted by the State Building Code Council, except part 1, unless specifically exempted or required by this section. However, the following exceptions apply:

(1) We will allow a 1-1/4 inch drain for handwashing sinks with an antisiphon vent.

(2) An antisiphon vent will be allowed on one and two compartment sinks in units as long as there is one vent to the exterior so the system will function. Sinks with three or more compartments must be installed as required by the Uniform Plumbing Code.

(3) Vent pipes may terminate through the roof or through the sidewall at a point as high as possible and not less than six feet from ground level.

#### NEW SECTION

**WAC 296-150V-1540 What are the plumbing definitions?** Definitions contained in the Uniform Plumbing Code apply to this chapter:

"**Drain outlet**" is the discharge end of the conversion vendor unit or medical unit main drain to which a drain connector may be attached.

"**Main drain**" is the principal artery of the conversion vendor unit or medical unit drainage system to which drainage branches may be connected.

"**Water-supply connection**" is the fitting or point of connection of the conversion vendor unit or medical unit water distribution system to a water connector.

#### NEW SECTION

**WAC 296-150V-1550 What requirements apply to drain outlets?** Drain outlets must be equipped with a watertight cap or plug that must be permanently attached to the unit.

#### NEW SECTION

**WAC 296-150V-1560 What is the minimum clearance for drain outlets?** The drain outlet and couplers must have a minimum clearance of 3 inches in any direction from all parts of the structure or appurtenances and with at least 18

inches unrestricted clearance directly in front of the drain outlet.

#### NEW SECTION

**WAC 296-150V-1570 What requirements apply to water-supply connections?** Water-supply connections must be equipped with a watertight cap or plug that must be permanently attached to the vehicle.

Note: The department of health may have more restrictive requirements. Before modifying your unit to comply with these requirements, be sure to contact that agency.

#### NEW SECTION

**WAC 296-150V-1580 What requirements apply to water heater relief valves and safety devices?** (1) All water heaters must be installed with approved fully automatic valve or valves designed to provide temperature and pressure relief. Temperature and pressure relief valves must be tested and approved to ANSI Z21.22 standard or equal.

(2) Any temperature relief valve or combined pressure and temperature relief valve installed for this purpose must have the temperature sensing element immersed in the hottest water within the upper 6 inches of the tank. It must be set to start relieving at a pressure of 150 psi or the rated working pressure of the tank, whichever is lower, and at or below a water temperature of 210 degrees Fahrenheit.

(3) Relief valves must be provided with full-sized drains. Drains must be directed to the exterior of the unit, exiting at least 6 inches above the ground, and must exhaust downward. Drain lines must be of a material approved for hot water distribution and must drain fully by gravity, must not be trapped, and must not have their outlets threaded.

#### NEW SECTION

**WAC 296-150V-1590 What requirements apply to waste holding tanks for conversion vendor units?** Conversion vendor units may use either portable waste holding tanks approved by the department of health or permanently mounted waste holding tanks.

(1) All portable waste holding tanks must be listed for the intended use and used per their listing.

(2) All permanently mounted waste holding tanks must meet the following specifications:

(a) Tanks must be listed for the intended use, installed per their listing, and be securely installed to prevent displacement during transportation;

(b) Tanks must be easily removable for service, repair or replacement without having to remove any permanent construction;

(c) Neither the inlet nor vent fitting may extend downward into the tank more than 1-1/2 inches;

(d) The drain opening must be located at the lowest point of the tank;

(e) Tanks must be vented at the highest point in the top of the tank by one of the following methods:

(i) A 1-1/4 inch diameter vent pipe;

(ii) A continuous vent serving as a drain from one additional fixture provided the drain portion is increased one pipe size larger than the connected trap arm;

(iii) Two or more vented drains when at least one is wet-vented and each drain is separately connected to the top of the tank;

(f) A fullway termination valve must be installed in the tank; and

(g) No drain connection may be made between liquid and body waste holding tanks upstream of fullway termination valves.

**NEW SECTION**

**WAC 296-150V-3000 Conversion vendor units and medical units—Fees.**

<b>WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS</b>	
<b>INITIAL FILING FEE</b>	<b>\$28.00</b>
<b>DESIGN PLAN FEES:</b>	
INITIAL FEE - MASTER DESIGN	\$192.00
INITIAL FEE - ONE YEAR DESIGN	\$78.75
RENEWAL FEE	\$33.75
RESUBMIT FEE	\$56.25
ADDENDUM (Approval expires on same date as original plan)	\$56.25
<b>RECIPROCAL PLAN REVIEW: (Pending)</b>	
INITIAL FEE-MASTER DESIGN	\$85.75
INITIAL FEE-ONE YEAR DESIGN	\$52.00
RENEWAL FEE	\$52.00
ADDENDUM	\$52.00
<b>APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS</b>	<b>\$10.75</b>
<b>DEPARTMENT INSPECTION FEES</b>	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$56.25
TRAVEL (Per hour)*	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
<b>DEPARTMENT AUDIT FEES:</b>	
AUDIT (Per hour*)	\$56.25
TRAVEL (Per hour*)	\$56.25
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
<b>INSIGNIA FEES:</b>	
FIRST SECTION	\$16.50
ALTERATION	\$28.00
REISSUED-LOST/DAMAGED	\$10.75
<b>OTHER FEES:</b>	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$56.25
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year)	\$10.75
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in ½ hour increments	
** Per state guidelines	
***Actual charges incurred	

PERMANENT

**WSR 99-18-107**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed September 1, 1999, 11:09 a.m.]

Date of Adoption: June 10, 1999.

Purpose: The existing rule requires that one copy of the completed educational specifications approved by the district board of directors shall be transmitted to the Superintendent of Public Instruction (OSPI) for review and comment. This provisions for OSPI review was repealed in another section of rule and should be deleted here also to be consistent.

Citation of Existing Rules Affected by this Order: Amending WAC 180-29-040.

Statutory Authority for Adoption: RCW 28A.525.020.

Adopted under notice filed as WSR 99-10-001 on April 21, 1999.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 30, 1999

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending Order 12-83, filed 10/17/83)

**WAC 180-29-040 Educational specifications—Review and comment.** Prior to the commencement of the design of the proposed school facility, the school district shall cause to be prepared the educational specifications pursuant to chapter 180-26 WAC. ((One copy of the completed educational specifications approved by the district board of directors shall be transmitted to the superintendent of public instruction for review and comment.))

**WSR 99-18-111**  
**PERMANENT RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:34 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: Procedural rule to govern the conduct of matters before the Washington State Board of Accountancy.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-510.

Statutory Authority for Adoption: RCW 18.04.055.

Other Authority: RCW 42.30.070.

Adopted under notice filed as WSR 99-13-060 on June 11, 1999.

Changes Other than Editing from Proposed to Adopted Version: Changed reference from chapter 34.05 RCW to the correct reference chapter 42.30 RCW.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA

Executive Director

**AMENDATORY SECTION** (Amending WSR 93-12-077, filed 5/27/93, effective 7/1/93)

**WAC 4-25-510 ((~~Board meetings, officers.~~) What is the board's meeting schedule and how are officers elected? ((An annual meeting of the board shall be held in December each year. At least six other meetings shall be held each year, normally in the months of February, April, June, August, October, and November. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings which shall normally be on the third Friday of the month. The chair or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.05 RCW, as regards to notice and conduct of meetings.**

~~At the annual meeting the board shall elect from among its members the chair, vice chair, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.~~

~~The chair or, in the event of the chair's absence or inability to act, the vice chair shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.)~~ The board meets from 9:00 a.m. to 5:00 p.m. on the last Friday of the month in the months of January, April, July and October. Additionally,

PERMANENT

the board holds an annual meeting, from 9:00 a.m. to 5:00 p.m., on the third Friday of December.

At the annual meeting the board elects the chair, vice-chair, and secretary from its members. The newly elected officers assume the duties of their offices at the conclusion of the meeting and serve a term of one year. Officers can be reelected for one additional term.

Either the chair or a quorum of the board has the authority to call meetings of the board. The board complies with the rules of procedure, chapter 42.30 RCW, in regards to notice and conduct of meetings. The chair presides at all meetings. In the event of the chair's absence or inability to act, the vice-chair presides. The board determines other duties of the officers.

**WSR 99-18-112**

**PERMANENT RULES**

**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:35 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To align fees for CPA certificate applications, license fees, certificate renewal fees, and firm license fees with legislation extending the renewal period from a two-year period to a three-year renewal period.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-530.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.065.

Other Authority: RCW 18.04.105(7), 18.04.195(6), 18.04.205(4).

Adopted under notice filed as WSR 99-13-061 on June 11, 1999.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA

Executive Director

**AMENDATORY SECTION** (Amending WSR 99-02-009, filed 12/24/98, effective 5/7/99)

**WAC 4-25-530 Fees.** The board shall charge the following fees:

- (1) CPA examination applications:
  - (a) First-time ..... \$ 230
  - (b) Reexamination, four sections ..... \$ 205
  - (c) Reexamination, two sections ..... \$ 155
  - (d) Reexamination, one section ..... \$ 140
  - (e) Administration of examination for out-of-state applicants ..... \$ 90
- (2) Application for certificate ..... \$ ((50))  
75
- (3) Application for certificate by reciprocity from other jurisdictions ..... \$ ((150))  
225
- (4) ((Biennial)) License to practice public accounting, includes certificate renewal fee ..... \$ ((80))  
120
- (5) ((Biennial)) Certificate renewal ..... \$ ((25))  
40
- (6) ((Biennial)) Firm license:
  - (a) Sole proprietorships (with one or more employees) ..... \$ ((60))  
90
  - (b) Partnerships and limited liability partnerships ..... \$ ((60))  
90
  - (c) P.S. corporations and limited liability companies ..... \$ ((60))  
90
  - (d) Amendment to firm license ..... \$ 10
- (7) Copies of records, per page ..... \$0.10
- (8) Printed listing of CPAs, CPA firms, CPA exam candidates, set up charge plus \$.01/record ..... \$ 50
- (9) Computer diskette listing of CPAs, CPA firms, CPA exam candidates ..... \$ 50
- (10) Applications for reinstatement ..... \$ 25
- (11) Replacement CPA certificates ..... \$ 25
- (12) Quality assurance review program per financial statement report review (includes monitoring reviews for up to two years) ..... \$ 225
- (13) Late or incomplete individual or firm renewal application, per month or part thereof, to a maximum of \$200 per application ..... \$ 25
- (14) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts) ..... \$ 30

Note: The board may waive late filing fees for good cause.

PERMANENT



**WSR 99-18-113**  
**PERMANENT RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:36 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To conform the current rule to the Public Accountancy Act amended by the 1999 legislature. RCW 18.04.215 was amended to require the board to issue three-year licenses to persons who have demonstrated one year in public accounting and who, if their certificate was issued more than four years prior to application, submit satisfactory proof of completion of 120 hours of continuing education during the preceding three years.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-730.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.215 (1)(a).

Adopted under notice filed as WSR 99-13-062 on June 11, 1999.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** (Amending WSR 93-12-068, filed 5/27/93, effective 7/1/93)

**WAC 4-25-730 Experience.** Experience required for issuance of an initial license shall meet the requirements of this section:

(1) **Experience definition and timing:** One year of experience shall consist of full-time employment of no less than two thousand hours. For purposes of computing work experience for a part-time employee, two thousand hours shall constitute one year. Employment may be for one or more employers, with or without compensation, and may consist of any combination of full-time and part-time employment. For an applicant who passed the uniform certified public accounting examination prior to May 1988, experience obtained more than five years prior to application for initial license shall be supplemented by ~~((eighty))~~ one hundred twenty hours of continuing education during the ~~((two))~~ three-year period prior to application. For an applicant who

passed the examination in May 1988, or thereafter, this experience must cover a minimum twelve-month period and must be obtained no more than five years prior to applying for a license.

(2) **Experience in public accounting:**

(a) An applicant shall show he/she has had employment for a period of one year as a staff accountant under the direct supervision of a currently licensed certified public accountant who is actively engaged in the practice of public accounting and is a member of a firm licensed to practice public accounting. Experience shall be in a CPA firm that participates in a board approved peer or quality review of its accounting or auditing practice. Qualifying experience for purposes of this section shall mean the performance of services as one skilled in the knowledge and practice of public accounting, including performance of accounting or auditing procedures, issuance of reports on financial statements, performance of management advisory or other consulting services, preparation of tax returns and furnishing advice on tax matters.

(b) Public accounting services shall be performed for clients of a certified public accountant or a firm of certified public accountants in compliance with the board's rules and must regularly involve the exercise of independent judgment and the application of appropriate technical and behavioral standards such as the standards contained in the Code of Professional Ethics, Generally Accepted Auditing Standards, Statement of Responsibilities in Tax Practice, Statement on Standards for Management Advisory Services, Statement on Standards for Accounting and Review Services, Statement on Standards for Attestation Engagements and other similar practice standards issued by the American Institute of Certified Public Accountants.

(3) **Experience other than in public accounting:**

(a) The experience required, as stated in subsection (2) of this section, may also be met by work experience, not including in-classroom training, performed under the direct supervision of a currently licensed certified public accountant in a commercial or governmental organization which has filed a sponsorship agreement with the board, acceptable to the board, which among other things specifies:

(i) The scope of accounting, auditing, consulting, and other services performed within the organization;

(ii) The professional education and on-job training provided to an applicant prior to application; and

(iii) The program of review and supervision performed by the internal review committee within the organization which administers the agreement.

(b) Qualifying work experience must be of a type and at a level equivalent to that performed in public accounting practice and must regularly involve the exercise of independent judgment and the application of the appropriate technical and behavioral standards.

(4) **Experience affidavit:** The experience claimed by an applicant shall be verified by the certified public accountant or firm of certified public accountants supervising the applicant on an experience affidavit form provided by the board.

(5) **Examination of experience documentation:**

PERMANENT

(a) Any licensee who has furnished evidence of an applicant's experience to the board shall upon request by the board explain in writing or in person the information so provided.

(b) The board may require an interview or an inspection of documentation relating to an applicant's experience. Any licensee having custody of such documentation shall produce it upon request by the board.

(c) Any licensee who refuses to provide the evidence or documentation of the applicant's experience, requested by an applicant or by the board, shall upon request by the board explain in writing or in person the basis for such refusal.

(6) **Reciprocity:** An applicant who applies for initial license in this state shall be required to document experience obtained in another jurisdiction which is equivalent to the requirements of this state.

**WSR 99-18-114**

**PERMANENT RULES**

**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:36 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To repeal WAC 4-25-740 that was rewritten and recodified (WAC 4-25-745, 4-25-746, 4-25-790, and 4-25-791).

Citation of Existing Rules Affected by this Order: Repealing WAC 4-25-740.

Statutory Authority for Adoption: RCW 18.04.105.

Adopted under notice filed as WSR 99-13-075 on June 11, 1999.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA  
Executive Director

**WSR 99-18-115**

**PERMANENT RULES**

**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:37 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To prescribe the requirements an applicant must follow in order to apply for an initial CPA license and/or certificate.

Citation of Existing Rules Affected by this Order: New section WAC 4-25-745.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.105, 18.04.215.

Adopted under notice filed as WSR 99-13-063 on June 11, 1999.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA  
Executive Director

**NEW SECTION**

**WAC 4-25-745 How do I apply for an initial CPA license and/or certificate?** To apply for an initial license and/or certificate you must use the application form provided by the board. You need to fully complete the form, have your signature notarized, and submit the form, all applicable fees, and all required documentation to the board's office.

An initial application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. When the processing of your application is complete, notification will be mailed to the last address you provided to the board.

Your initial license and/or certificate will expire on June 30 of the third calendar year following initial licensure and/or certification.

You may not use the title CPA until you receive written notice from the board of your Washington state CPA certificate number. You may not hold out as a CPA in public practice until you receive written notice from the board of your Washington state CPA license and certificate number. A licensee may only practice public accountancy in a licensed CPA firm meeting the requirements of WAC 4-25-750.

PERMANENT

**WSR 99-18-116**  
**PERMANENT RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:38 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To prescribe the requirements an applicant who holds a certificate/valid license issued by another state must follow in order to apply for a Washington CPA license and/or certificate.

Citation of Existing Rules Affected by this Order: New section WAC 4-25-746.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.180, 18.04.215(3).

Adopted under notice filed as WSR 99-13-064 on June 11, 1999.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA

Executive Director

**NEW SECTION**

**WAC 4-25-746 How do I apply for a Washington state CPA license and/or certificate if I hold a valid CPA certificate, license or permit in another state?** Pursuant to RCW 18.04.180 and 18.04.215(3) the board may issue a certificate and/or license if you hold a CPA certificate, license or permit issued by another state. To apply for a Washington state CPA license and/or certificate you must use the application form provided by the board and satisfy CPE requirements in WAC 4-25-830. You need to fully complete the form, have your signature notarized, and submit the form, all applicable fees, and all required documentation to the board's office.

An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. When the processing of your application is complete, notification will be mailed to the last address you provided to the board.

Your Washington state CPA license and/or certificate will expire on June 30 of the third calendar year following initial licensure and/or certification.

You may not use the title CPA and you may not hold out as a CPA in public practice until you have filed a complete application with the board. A licensee may only practice public accountancy in a licensed CPA firm meeting the requirements of WAC 4-25-750.

**WSR 99-18-117**  
**PERMANENT RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:38 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To prescribe the procedure applicants must follow to register and maintain offices established for the practice of public accounting in the state of Washington; to conform the rule to the amendments to chapter 18.04 RCW by the 1999 legislature.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-750.

Statutory Authority for Adoption: RCW 18.04.055(8), 18.04.205(3).

Adopted under notice filed as WSR 99-13-065 on June 11, 1999.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA

Executive Director

**AMENDATORY SECTION** (Amending WSR 96-12-061, filed 5/31/96, effective 7/1/96)

**WAC 4-25-750 Firm license.** (1) A licensee may only practice public accountancy in a CPA firm organized as:

- (a) A proprietorship;
- (b) A partnership;
- (c) A professional corporation;
- (d) A limited liability company;
- (e) A limited liability partnership; or
- (f) Some other form of legal entity authorized by statute for use by a CPA firm.

(2) A CPA firm shall apply to the board for a license to practice public accountancy within ninety days of formation.

A CPA firm shall apply for renewal of its license no later than sixty days prior to expiration of the firm's current license. The board will not accept a firm license renewal application unless it is accompanied by all applicable renewal and late filing fees.

(3) An application for a firm license shall include the:

- (a) Firm name;
- (b) Addresses and telephone numbers of the main office and any branch offices of the firm;
- (c) Name of the manager of each branch office;
- (d) Owners' names and the states in which they hold CPA licenses;
- (e) Names of corporate directors, limited liability company managers, and all firm officers; and
- (f) Type of legal organization under which the firm operates (such as, general partnership or limited liability company).

(4) Firm licenses expire on June 30 of the ~~((second))~~ third year after the board issues a firm's initial license and on June 30 of each ~~((second))~~ third year after the initial license expires.

(5) A CPA firm shall file with the board a written notification of any of the following events within ninety days after its occurrence:

- (a) Formation or dissolution of a CPA firm;
- (b) Admission of an owner;
- (c) Retirement or death of an owner;
- (d) Any change in the name of the firm;
- (e) Change in the management of any branch office;
- (f) Opening, closing, or relocating of a branch office; and
- (g) The occurrence of any event that would cause the firm to be in violation of the provisions of the act or these rules.

A change in the legal form of a firm constitutes a new firm. Accordingly the new firm shall within ninety days of the change file an application for a firm license and pay the applicable fee.

**WSR 99-18-118**  
**PERMANENT RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:38 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To repeal section of chapter 4-25 WAC that was rewritten and recodified into two separate sections (WAC 4-25-792 and 4-25-795).

Citation of Existing Rules Affected by this Order: Repealing WAC 4-25-760.

Statutory Authority for Adoption: RCW 18.04.055(11).

Adopted under notice filed as WSR 99-13-076 on June 11, 1999.

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: January 1, 2000.

August 24, 1999

Dana M. McInturff, CPA  
Executive Director

**WSR 99-18-119**  
**PERMANENT RULES**  
**BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:39 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To conform board rule to the 1999 legislature's amendment to chapter 18.04 RCW requiring accountants from foreign countries to complete 120 hours of continuing education during the preceding thirty-six months in order to obtain a Washington CPA certificate by reciprocity; to prescribe the procedures the board will follow when designating a professional accounting credential issued in a foreign country as substantially equivalent to a Washington CPA certificate.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-780.

Statutory Authority for Adoption: RCW 18.04.055, 18.04.183.

Adopted under notice filed as WSR 99-13-066 on June 11, 1999.

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: January 1, 2000.

August 23, 1999

Dana M. McInturff, CPA  
Executive Director

**AMENDATORY SECTION** (Amending WSR 94-10-039, filed 4/29/94, effective 5/30/94)

**WAC 4-25-780 Reciprocity for accountants from foreign countries.** RCW 18.04.183 allows the board to designate a professional accounting credential issued in a foreign country as substantially equivalent to a CPA certificate issued under provisions of RCW 18.04.105.

**(1) Initial CPA certification.**

(a) The board may rely on the National Association of State Boards of Accountancy (NASBA), the American Institute of Certified Public Accountants, or other professional bodies for evaluation of foreign accounting credential equivalency.

(b) The board may accept a foreign accounting credential in partial satisfaction of CPA certification requirements if:

(i) The holder of the foreign accounting credential met the issuing body's education requirement and passed the issuing body's examination used to qualify its own domestic candidates; and

(ii) The foreign accounting credential is valid and in good standing at the time of application for a CPA certificate; and

(iii) The body granting the foreign accounting credential permits this state's CPAs equivalent opportunity to receive the foreign accounting credential by reciprocity. The board will, by resolution, specify acceptable foreign accounting credentials and acknowledge reciprocal agreements with bodies granting foreign accounting credentials.

(c) The board may satisfy itself through qualifying examinations that the holder of a foreign credential deemed by the board to be substantially equivalent to a CPA certificate possesses adequate knowledge of U.S. practice standards and the board's regulations. The board will, by resolution, specify the form of qualifying examination(s) and passing grade(s).

(d) The board shall require the foreign reciprocity applicant to demonstrate completion of ~~((eighty))~~ one hundred twenty hours of continuing professional education that meet the standards contained in the board's continuing professional education rules for CPA certificate renewal.

**(2) License to practice public accountancy.** In addition to the certification requirements contained in subsection (1)(a) through (d) of this section, the board may require a foreign reciprocity applicant for a license to practice public accounting to demonstrate satisfactory experience in a foreign or domestic professional accounting firm. The board will, by resolution, specify experience standards for each foreign accounting credential accepted by the board as basis for certification and licensure by foreign reciprocity.

**(3) Renewal of CPA certificate or license granted through foreign reciprocity.** An applicant for renewal of a CPA certificate originally issued in reliance on a foreign professional accounting credential shall:

(a) Make application for renewal of the CPA certificate (and license) at the time and in the same manner prescribed by the board for all other CPAs certified (and licensed) by the board.

(b) Pay such fees as are prescribed for all other CPA certificate (and license) renewals.

(c) If still credentialed in the foreign country, present documentation from the body that issued the applicant's foreign accounting credential stating that the credential is in good standing and valid for the practice of public accountancy in the foreign jurisdiction and stating that the applicant is free of a current disciplinary investigation or action or, if the applicant is the subject of such investigation or action, the particulars thereof. If no longer credentialed in the foreign country, present proof from the foreign credentialing body that the applicant was not the subject of any investigations or disciplinary proceedings at the time the foreign credential lapsed.

(d) Show completion of ~~((eighty))~~ one hundred twenty hours of continuing professional education within the ~~((two))~~ three-year period preceding renewal application in accordance with rules applicable to all CPAs.

**(4) Investigations and discipline of CPAs certified (and licensed) based in part on a foreign accounting credential.**

(a) The holder of a Washington CPA certificate issued in reliance on a foreign accounting credential shall report any investigations undertaken, or sanctions imposed, by a foreign credentialing body against the CPA's foreign credential. Such report shall be made to the Washington state board of accountancy within thirty days of notice to the CPA that an investigation has been started or a sanction imposed.

(b) RCW 18.04.295 authorizes the board to impose discipline for, among other things, violation of state or federal laws. For purposes of enforcement and discipline against CPAs whose CPA certificate (and license) was issued based in part on a foreign accounting credential, the board interprets "state" to include "state, province, or territory" and "federal" to apply to equivalent governmental units of the country in which the foreign accounting credential was issued.

(c) Suspension or revocation of, or refusal to renew, a CPA's foreign accounting credential by the foreign credentialing body is evidence of conduct reflecting adversely upon the CPA's fitness to retain the CPA certificate and is basis for board disciplinary action.

(d) The board may notify foreign credentialing bodies of any sanctions imposed against a CPA whose certificate was issued through foreign reciprocity.

(e) The board may participate in joint investigations with foreign accounting credentialing bodies and may receive evidence supplied by such bodies or their authorized agents or contractors in investigations and disciplinary proceedings.

**WSR 99-18-120  
PERMANENT RULES  
BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:40 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To prescribe the requirements a CPA must follow in order to renew a certificate/license; to provide clear instructions to CPAs renewing their certificate/license; to conform board rule to the amendments to chapter 18.04 RCW by the 1999 legislature.

PERMANENT

Citation of Existing Rules Affected by this Order: New section WAC 4-25-790.

Statutory Authority for Adoption: RCW 18.04.105, 18.04.215.

Adopted under notice filed as WSR 99-13-067 on June 11, 1999.

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: January 1, 2000.

August 23, 1999  
Dana M. McInturff, CPA  
Executive Director

#### NEW SECTION

**WAC 4-25-790 How do I renew my CPA license and/or certificate?** To renew your license and/or certificate you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830. In January of the year of expiration, a renewal form will be mailed to the last address you provided to the board. Renewal of your license constitutes renewal of your certificate.

To renew your license and/or certificate, you must submit to the board by April 30th of the year of expiration:

- A complete renewal application form including your certification that you have complied with the CPE requirements of WAC 4-25-830 and the supporting documentation requirements of WAC 4-25-833;

- All applicable fees; and
- All required documentation.

A renewal application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board. Upon completion of processing, your license or confirmation of your renewal certificate will be mailed to the last address you provided to the board.

A license and/or certificate renewal expires on June 30 of the third calendar year following the renewal.

Failure to file a complete application for certificate and/or license renewal by April 30 of the year of expiration will result in late fees. The board may waive, reduce, or extend the due date of renewal and/or late fees based on individual hardship.

If you fail to file a complete application for certificate and/or license renewal by June 30 of the year of expiration

your license and/or certificate will lapse. If your license and/or certificate has lapsed, you may not use the title CPA or hold out as a CPA in public practice.

#### **WSR 99-18-121**

#### **PERMANENT RULES**

#### **BOARD OF ACCOUNTANCY**

[Filed September 1, 1999, 11:40 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To prescribe the requirement a CPA with a certificate maintained under the reasonable cause exemption must follow in order to return to a previous status (licensed or title use certificate).

Citation of Existing Rules Affected by this Order: New section WAC 4-25-791.

Statutory Authority for Adoption: RCW 18.04.055(11), 18.04.215 (2), (4).

Adopted under notice filed as WSR 99-13-068 on June 11, 1999.

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: January 1, 2000.

August 23, 1999  
Dana M. McInturff, CPA  
Executive Director

#### NEW SECTION

**WAC 4-25-791 If I hold a certificate under the reasonable cause exemption to the CPE requirements, how do I apply to return to my previous status as a licensee or a certificate holder?** If you hold a certificate under the reasonable cause exemption, you may not hold out as a CPA in public practice or use the title CPA until your license and/or certificate is returned to its previous status.

To apply to return to your previous status as a licensee or a certificate holder, you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830. An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board.

To apply to return to your previous status you must submit to the board:

• A complete application form including your certification, under the penalty of perjury, that you have:

(1) Not held out in public practice and/or used the title CPA during the time in which you were a certificate holder under the reasonable cause exemption; and

(2) Met the CPE requirements to return to your previous status in WAC 4-25-830;

• All applicable fees; and  
• Other documents or information the board may deem necessary.

Upon approval of your application, your license or notification of certification will be mailed to the last address you provided to the board.

### WSR 99-18-122

#### PERMANENT RULES

#### BOARD OF ACCOUNTANCY

[Filed September 1, 1999, 11:41 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To prescribe the requirements a CPA must follow to reinstate a lapsed license and/or certificate.

Citation of Existing Rules Affected by this Order: New section WAC 4-25-792.

Statutory Authority for Adoption: RCW 18.04.055(11), 18.04.215 (2), (4).

Adopted under notice filed as WSR 99-13-069 on June 11, 1999.

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: January 1, 2000.

August 24, 1999

Dana M. McInturff, CPA  
Executive Director

#### NEW SECTION

**WAC 4-25-792 How do I apply for reinstatement of a lapsed CPA license and/or certificate?** If your CPA license and/or certificate has lapsed, you may not hold out as a CPA in public practice or use the title CPA until your license and/or certificate is reinstated by the board.

To apply for reinstatement of a lapsed license and/or certificate you must use the form provided by the board and sat-

isfy CPE requirements in WAC 4-25-830. An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board.

To apply for reinstatement, you must submit to the board:

• A complete reinstatement form including your certification, under the penalty of perjury, that you have:

(1) Not held out in public practice and/or used the title CPA during the time in which your license and/or certificate was lapsed;

(2) Met the CPE requirements for reinstatement in WAC 4-25-830; and

(3) Met the CPE supporting documentation requirements in WAC 4-25-833;

• Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

• All applicable fees; and

• Other documents or information the board may deem necessary.

Upon approval of your application, your license reinstatement or notification of certification reinstatement will be mailed to the last address you provided to the board.

### WSR 99-18-123

#### PERMANENT RULES

#### BOARD OF ACCOUNTANCY

[Filed September 1, 1999, 11:41 a.m., effective January 1, 2000]

Date of Adoption: July 30, 1999.

Purpose: To prescribe the requirements a person or firm must follow to modify a board order or reinstate a certificate or license suspended or revoked by the board.

Citation of Existing Rules Affected by this Order: New section WAC 4-25-795.

Statutory Authority for Adoption: RCW 18.04.055(11), 18.04.335.

Other Authority: RCW 34.05.220.

Adopted under notice filed as WSR 99-13-070 on June 11, 1999.

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.

EMERGENCY

Effective Date of Rule: January 1, 2000.

August 24, 1999

Dana M. McInturff, CPA  
Executive Director

### NEW SECTION

**WAC 4-25-795 How do I apply for reinstatement of a revoked or suspended CPA license and/or certificate?** If your CPA license and/or certificate was revoked or suspended by the board pursuant to RCW 18.04.295, 18.04.305 and/or 18.04.335, you may not hold out as a CPA in public practice or use the title CPA until your license and/or certificate is reinstated by the board.

You may apply to the board for modification of the suspension or revocation after one year has elapsed from the effective date of the board's order revoking or suspending your license and/or certificate unless the board sets some other period by order. However, if you made a previous application with respect to the same order, no additional application will be considered before the lapse of an additional year following the board's decision on the last such previous application.

To apply for reinstatement of a revoked or suspended license and/or certificate you must use the form provided by the board and satisfy CPE requirements in WAC 4-25-830. An application is not complete and cannot be processed until all fees, required information, and required documentation is received by the board.

To apply for reinstatement, you must submit to the board:

- A complete reinstatement form including your certification under the penalty of perjury, that you have:

- (1) Not held out in public practice and/or used the title CPA during the time in which your license and/or certificate was suspended or revoked;

- (2) Met the CPE requirements for reinstatement in WAC 4-25-830; and

- (3) Met the CPE supporting documentation requirements in WAC 4-25-833;

- All applicable fees;
- Source documents as evidence of eligibility for CPE credit for all courses claimed in order to meet CPE requirements as defined by WAC 4-25-833;

- Written substantiation of the reasons constituting good cause for the reinstatement;

- Two supporting recommendations, under penalty of perjury, from CPA licensees who have personal knowledge of your activities since the suspension or revocation was imposed; and

- Other documents or information which the board may deem necessary.

In considering the reinstatement application, the board may consider all relevant factors, including but not limited to:

- The offense for which you were disciplined;
- Your activities since the disciplinary penalty was imposed;

- Your activities during the time the certificate or permit was in good standing;

- Your rehabilitative efforts;
- Restitution to damaged parties in the matter for which the penalty was imposed; and
- Your general reputation for truth and professional probity.

If the board decides to consider the merits of your application for reinstatement, in the board's discretion, a hearing may be held following such procedures as the board deems suitable for the particular case. If the board decides that it will not consider the merits of your application for reinstatement, then this constitutes final agency action and there is no further administrative review available to you. As a condition of reinstatement, the board may impose such terms and conditions as it deems suitable.

The board will not consider an application for reinstatement while you are under sentence for any criminal offense, including any period during which you are on court-imposed probation or parole.



**WSR 99-18-004**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-131—Filed August 18, 1999, 4:54 p.m.]

Date of Adoption: August 18, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 220-57A-145.

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: Estimates of chinook passing the Chittenden Locks so far, indicate the chinook return will exceed the forecast of run strength. Through August 10, the estimated number of chinook having already entered Lake Washington was approximately 3,300 fish. Based on past run timing, the final chinook run size this year will far exceed the preseason forecast of 5,300.

The run is a mixture of hatchery fish, from the University of Washington and the state facility at Issaquah, and natural fish produced from the Cedar River and Bear Creek system. However, they are predominately Issaquah Hatchery returns. The preseason forecast expected 900 wild and 4,400 hatchery fish to return this year, so with Issaquah brood stock needs being less than 1,200 fish, there are many fish available for harvest. Wild fish destined for Cedar River hold in the southern end of Lake Washington, and Bear Creek is a Sammamish River tributary downstream of Sammamish Lake. Consequently, these wild fish should not be impacted by a fishery in Sammamish Lake for the hatchery stock.

Chinook have already moved into Sammamish Lake. Results from sonic tagging at the locks have documented this, and it is further substantiated by the Issaquah Hatchery manager who reports some fish have entered the holding pond at Issaquah Hatchery.

Muckleshoot and Suquamish tribes' technical staff have been contacted, and they do not object to the opening of the Lake Sammamish sport fishery.

The lake has a scheduled coho season, but there are conservation concerns for a weak run of sockeye and kokanee. Protection for these species is provided by a requirement that they be released immediately, if encountered. There is no need for a night closure nor special gear restrictions for this salmon fishery, and the 1/4 mile closure at the mouth of Issaquah Creek would be dropped entirely for the duration of the chinook and coho seasons.

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 18, 1999

Evan Jacoby

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 220-57A-14500C Sammamish Lake.** Notwithstanding the provisions of WAC 22-57A-145, effective immediately until further notice, open to personal use salmon angling with a special daily limit of two salmon, except sockeye and kokanee must be released immediately.

**WSR 99-18-005**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-132—Filed August 18, 1999, 4:54 p.m.]

Date of Adoption: August 18, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-88A-08000Y; and amending WAC 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state's share of shrimp in Shrimp Management Harvest Areas 23A, 23B and 25A has been taken. These rules are necessary to implement the 1999 state/tribal Puget Sound shrimp harvest management plan and meet all allocation requirements under Subproceeding 89-3 in *United States v. Washington*. 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.

EMERGENCY

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 18, 1999

Evan Jacoby

for Jeff P. Koenings

Director

**NEW SECTION**

**WAC 220-88A-08000Z Emerging commercial fishery - Puget Sound shrimp beam trawl fishery—Seasons and gear—Closes 23B, 25A and the east portion of 23A.** Notwithstanding the provisions of WAC 220-88A-080, effective immediately until further notice:

(1) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear except:

(a) Crustacean management areas 1A, 1B and 1C - Open immediately until further notice.

(b) Crustacean management area 3 - Open immediately until further notice, except those waters of Marine Fish Shellfish Management and Catch Reporting Areas 23A, 23B and 25A are closed until further notice.

(2) The following restrictions apply to shrimp trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(a) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(b) Closed in waters shallower than 20 fathoms.

(3) It is unlawful to trawl for shrimp from one hour after official sunset to one hour before official sunrise.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-08000Y Emerging commercial fishery—Puget Sound shrimp beam trawl fishery—Seasons and gear. (99-106)

**WSR 99-18-016  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-136—Filed August 20, 1999, 3:40 p.m.]

Date of Adoption: August 20, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000K.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable quota of chinook and coho salmon has been taken by commercial troll fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council and is consistent with federal law.

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: Immediately.

August 20, 1999

Jeff P. Koenings

Director

by Larry Peck

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000K Commercial salmon troll. (99-119)

**WSR 99-18-023  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-133—Filed August 23, 1999, 4:51 p.m., effective August 31, 1999, 6:00 a.m.]

Date of Adoption: August 20, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100L; 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: This emergency regulation sets first two tribal fall commercial seasons. This season is consistent with the 1999 fall management agreement, ESA requirements, and actions of the Columbia River Compact on August 17, 1999. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 31, 1999, 6:00 a.m.

August 20, 1999

Jeff P. Koenings

Director

by Larry Peck

## NEW SECTION

**WAC 220-32-05100L Columbia River salmon seasons above Bonneville Dam** Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp, or sturgeon under the following provisions:

1) Open Periods: 6:00 a.m. August 31 to 6:00 p.m. September 3, 1999

6:00 a.m. September 7 to 6:00 p.m. September 11, 1999

2) Open Areas: SMCRA 1F, 1G, 1H

3) Gear: No mesh size restriction

4) Allowable sale includes: salmon and shad.

5) Spring Creek Hatchery Sanctuary: During the period of 6:00 a.m. August 31 to 6:00 p.m. September 3, 1999, the area within a 150 foot radius of the Spring Creek Hatchery fish ladder is closed to fishing. During the period of 6:00 a.m. September 7 to 6:00 p.m. September 11, 1999, 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 are closed to fishing.

6) 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 tread of the Columbia River between markers located approximately 0.85 miles down river 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 points 1/2 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 1/2 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 1/2 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 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

3) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the 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 a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, 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 1/2 mile above the John Day River, Oregon, extending at a right

mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, 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.

**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 6:00 p.m. September 11, 1999:

WAC 220-32-05100L Columbia River salmon seasons above Bonneville Dam.

**WSR 99-18-024  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 99-134—Filed August 23, 1999, 4:51 p.m., effective August 23, 1999, 8:00 p.m.]

Date of Adoption: August 20, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000S and 220-33-01000T; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon and sturgeon are available for commercial harvest in Area 2S. This season is consistent with the 1999 fall management agreement, ESA requirements, and actions of the Columbia River Compact on August 17, 1999. Harvestable numbers of salmon from net pen releases are available for the select area fisheries at Tongue Point/South Channel, Blind Slough/Knappa Slough, and Deep River. These select areas are part of an on-going BPA funded program to design fisheries in areas outside of the mainstem Columbia River, and the purpose of the program is to provide fisheries. Rule is consistent with actions of the Columbia River Compact of July 26, 1999. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: August 23, 1999, 8:00 p.m.

August 20, 1999

Jeff P. Koenings

Director

by Larry Peck

### NEW SECTION

**WAC 220-33-01000T Columbia River season below Bonneville** Notwithstanding the provision of WAC 220-33-010, and 220-33-020, it is unlawful for a person to take or possess salmon or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections.

1) OPEN AREA: Shad Area 2S as defined in WAC 220-33-030.

a) SEASON: 8:00 p.m. Monday, August 23, 1999 to 6:00 a.m. Tuesday, August 24, 1999

b) GEAR: 9 inch minimum mesh and 9-3/4 inch maximum mesh.

c) ALLOWABLE SALE: Salmon and sturgeon.

d) OTHER: 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 immediately returned to the water.

It is unlawful to gaff sturgeon.

It is unlawful to sell unprocessed eggs from lower Columbia River sturgeon.

2) OPEN AREA: Tongue Point/South Channel

Tongue Point Basin is open to fishing in all waters bounded by a line from the red light at Tongue Point to the flashing green light at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the south end of Mott Island easterly to a marker on the northwest bank on Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the opposite bank. In addition, South Channel is open to fishing in all waters bounded by a line from a marker on John Day Point through the green buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to flashing red marker "10" thence northwesterly to a marker on the sand bar defining the terminus of South Channel. All open waters are under concurrent jurisdiction.

a) SEASON:

Nightly 7:00 p.m. to 7:00 a.m.

Starting Dates: September 7, September 13, September 14 - Tongue Point only.

Nightly 7:00 p.m. to 7:00 a.m.

EMERGENCY

Starting Dates: September 20, September 21, September 27 and September 28 - Tongue Point/South Channel.

Nightly 6:00 p.m. to 8:00 a.m.

Starting Dates: October 4, October 5, October 6, October 11, October 12, October 13, October 18, October 19, October 20, October 25, October 26 and October 27

Tongue Point/South Channel.

b) GEAR:

8-inch maximum mesh restriction. Legal gear restricted to a maximum length of 250 fathoms and weight on leadline not to exceed 2 pounds on any one fathom within Tongue Point Basin. In South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the leadline. Fishers participating in the Tongue Point Basin fishery may have stored on board their boats, gill nets with leadline in excess of 2 pounds per fathom.

c) ALLOWABLE SALE: Salmon and sturgeon.

3) OPEN AREA: Blind Slough/Knappa Slough

Blind Slough is open 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 waters extend downstream of the railroad bridge. State waters extend upstream of the railroad bridge and require an Oregon license. In addition, Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore. An area closure at the mouth of Big Creek defined by markers of about a 100' radius.

a) SEASON:

Nightly 7:00 p.m. to 7:00 a.m.

Starting Dates: September 9, September 15, September

16

Blind Slough only

Nightly 7:00 p.m. to 7:00 a.m.

Starting Dates: September 22, September 23, September 29, September 30

Blind Slough/Knappa Slough

Nightly 6:00 p.m. to 8:00 a.m.

Starting Dates: October 4, October 5, October 6, October 11, October 12, October 13, October 18, October 19, October 20, October 25, October 26, October 27

Blind Slough/Knappa Slough

b) GEAR: Nets restricted to 100 fathoms in length with no weight restriction on leadline. 8-inch maximum mesh.

c) ALLOWABLE SALE: Salmon and sturgeon.

4) OPEN AREA: Deep River

Deep River is open to fishing down river from the town of Deep River to the mouth (a marker at Miller Point to a marker on the opposite bank). Concurrent waters extend downstream of the Highway 4 bridge. State waters extend upstream of the Highway 4 bridge.

a) SEASON:

Nightly 7:00 p.m. to 7:00 a.m.

Starting Dates: September 9, September 15, September 16, September 22, September 23, September 29, September 30

Nightly 6:00 p.m. to 8:00 a.m.

Starting Dates: October 4, October 5, October 6, October 11, October 12, October 13, October 18, October 19, October 20, October 25, October 26, October 27

b) GEAR: Nets restricted to 100 fathoms in length with no weight restriction on leadline. 8-inch maximum mesh size restriction.

c) ALLOWABLE SALE: Salmon and sturgeon.

5) OTHER RULES FOR TONGUE POINT/SOUTH CHANNEL, BLIND SLOUGH/KNAPPA SLOUGH, DEEP RIVER:

Transportation or possession of fish outside of the fishing area when the main stem is closed is unlawful unless by licensed buyer. An exception to the rule would allow fishers to transport their catch out of the fishing area with a permit issued by an authorized agency employee after examining the catch or by a self-issued permit in the absence of an authorized employee. One copy of the self-issued permit is to be retained by the fisher while the original must be deposited in a locked box located in or adjacent to the fishing area.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000S Columbia River season below Bonneville. (99-107)

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. October 28, 1999:

WAC 220-33-01000T Columbia River season below Bonneville

**WSR 99-18-034**

**EMERGENCY RULES**

**SECRETARY OF STATE**

[Filed August 25, 1999, 12:15 p.m., effective September 1, 1999]

Date of Adoption: August 19, 1999.

Purpose: Amending chapter 383-06 WAC to include new program rules to accommodate allowance of an agency unique program and to update information due to new legislation.

Citation of Existing Rules Affected by this Order: Amending chapter 383-06 WAC.

Statutory Authority for Adoption: Chapter 50, Laws of 1999, chapter 41.60 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Due to new legislation becoming effective July 25, 1999, and new program rules, the Productivity Board needs to submit emergency rules in order to

EMERGENCY

be in compliance with the new laws and to determine the outcome of our pilot program.

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 7, Amended 12, Repealed 3.

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 7, Amended 12, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, Amended 12, Repealed 3.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 1999.

August 19, 1999

Tracy Guerin

Deputy Secretary of State

**AMENDATORY SECTION** (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-010 Purpose.** The purpose of this chapter is to provide guidelines for the state-wide employee suggestion program developed and administered by the productivity board and the agency unique suggestion program administered by the board's designee under the authority of chapter 41.60 RCW.

**AMENDATORY SECTION** (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-020 Definitions.** As used in these rules, these definitions refer only to the employee suggestion program(s) unless the context requires otherwise:

(1) "Board" means the productivity board.

(2) "Program" means the employee suggestion "brainstorm" program(s) developed by the board under RCW 41.60.020.

(3) "State-wide employee suggestion program" means an employee suggestion program administered by the productivity board.

(4) "Agency unique suggestion program" means an employee suggestion program designed and administered by an agency head with delegated authority.

(5) "Delegated authority" means authority delegated to an agency head by the board to design and implement an agency unique program for the agency.

(6) "Board designee" means an agency head with delegated authority from the board.

(7) "The act" referred to in these rules is chapter 41.60 RCW.

~~((4))~~ (8) "Employee" ~~((is any person subject to chapter 41.06 or 28B.16 RCW))~~ means:

(a) For purposes of participation in the program, any present employees in state agencies and institutions of higher education except for:

(i) Elected officials;

(ii) Agency heads and their confidential secretaries and administrative assistants; and

(iii) Productivity board members and staff;

(b) For purposes of eligibility to receive monetary awards through the program excludes any employee made ineligible by WAC 383-06-080.

~~((5))~~ (9) "Suggestion" is a unique, useful or workable, constructive proposal offering a specific change or form of improvement which contributes to state efficiency, service, safety, economy or employee well-being.

~~((6))~~ (10) "Agency" includes every subdivision of government which is eligible to participate under chapter 41.60 RCW, including institutions of higher education and merit system agencies.

~~((7))~~ (11) "Multi-agency suggestion" meets the criteria for a suggestion, as defined in WAC 383-06-100, and requires evaluation by two or more agencies.

~~((8))~~ (12) "Award" means monetary or ~~((noncash))~~ nonmonetary recognition.

~~((9))~~ (13) Agency ~~(("directors"))~~ "head" includes the chief executive, whether appointed or elected, of each state agency or institution of higher education.

~~((10))~~ ~~("Administrator")~~ (14) "Program manager" is the executive manager of the ~~((employee suggestion))~~ productivity board and serves as staff to the productivity board.

**AMENDATORY SECTION** (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-030 Functions of the board—~~State-wide employee suggestion program.~~** The responsibilities of the board shall include:

(1) ~~((Promoting))~~ Providing information about the program to agency ~~((directors))~~ heads and the legislature.

(2) Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards.

(3) Adopting rules and regulations necessary for the administration of the act.

(4) Making the final determination ~~((as to))~~ whether ~~((or not))~~ an award should be made and the nature and extent of any award or recognition given.

(5) Hearing of appeals pursuant to WAC 383-06-140.

(6) ~~((The board shall meet))~~ Meeting upon the call of the chairman or a majority of the board at least four times per year. Four voting members shall constitute a quorum. Ex officio members may not vote.

**NEW SECTION**

**WAC 383-06-031 Functions of the board—Agency unique suggestion program.** The responsibilities of the board shall include:

(1) Reviewing agency proposals that request delegated authority to administer an agency unique suggestion program. The board shall make the determination whether to

accept or reject an agency proposal to administer an agency unique program based on current board criteria.

(2) Establishing rules, regulations, and reviewing policies under which the agency unique suggestion program shall be administered, including criteria for suggestion acceptability for evaluation and the granting of awards.

(3) Handling hearings of appeals pursuant to WAC 383-06-141, when requested by the agency or suggester(s).

(4) Reviewing agency reports submitted to the board. The board shall make the final determination whether to recertify agency unique programs contingent upon the findings in the report, and on additional information available to the board.

**AMENDATORY SECTION** (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-040 Duties of ~~((the program administrator))~~ productivity board staff.** (1) The program ~~((administrator))~~ manager shall be responsible and accountable to the board for the administration of the program, and shall:

~~((4))~~ (a) Attend all meetings of the board and ensure an official record of its actions.

~~((2))~~ (b) Propose policies, rules, and regulations appropriate for the administration of the program.

~~((3))~~ (2) Productivity board staff shall:

(a) Report to agencies about implemented suggestions, indicating those requiring a post audit.

~~((4))~~ (b) Establish and maintain records showing the use and effectiveness of the system, including the participation rate and results of involved agencies.

~~((5) Interact with agency coordinators))~~ (c) Support agencies regarding program promotion and participation through such things as training, technical assistance, etc.

~~((6))~~ (d) Perform other duties as required by the board.

**AMENDATORY SECTION** (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-045 ~~((Role))~~ Responsibilities of agency ~~((management))~~—State-wide employee suggestion program.** (1) Each agency ~~((director))~~ head or his/her designee shall~~((:~~

~~((1))~~ appoint ~~((a coordinator))~~ an individual(s) to act as liaison between the agency and the board.

(2) Encourage all levels of management to ~~((promote and participate in))~~ support the program.

(3) Promote the program and distribute forms throughout the agency.

(4) Assign an individual(s) to evaluate a suggestion recommending adoption, partial or modified adoption, or rejection of the suggestion. Facilitate evaluation of all suggestions referred by the productivity board office within forty-five days unless special circumstances exist that prohibit completion within the specified time frame. In this instance, the agency is required to notify the suggester(s) and the productivity board of the status of the suggestion and provide the suggester(s) and the productivity board with a new timeline.

(5) Maintain documentation of all agency evaluations and implementation plans.

(6) Notify the suggester(s) of the agency recommendation. Submit copies of the evaluation via hard copy, fax or on-line to the suggester and board.

(7) Make the final decision to implement a suggestion.

~~((4))~~ (8) Ensure that new employees receive orientation about the program.

**NEW SECTION**

**WAC 383-06-046 Responsibilities of agency—Agency unique suggestion program.** (1) Each agency head or his/her designee shall appoint an individual(s) to coordinate the agency unique suggestion program and act as liaison between the agency and the board.

(2) Encourage all levels of management to support the program.

(3) Promote the program and distribute forms throughout the agency.

(4) Assign an individual(s) to evaluate a suggestion recommending adoption, partial adoption, or rejection of the suggestion. Facilitate evaluation of all suggestions within forty-five days unless special circumstances exist that prohibit completion within the specified time frame. In this instance, the agency is required to notify the suggester(s) of the status of the suggestion and provide the suggester(s) with a new timeline.

(5) Maintain documentation of all agency evaluations and implementation plans.

(6) Develop a documented program with published criteria and communicate the information throughout the agency.

(7) Allow for suggestions submitted by nonagency employees to be evaluated within the agency.

(8) Review internal suggestions and determine whether the suggestion is applicable for another agency. Forward internal suggestions that apply to another agency to the productivity board for dissemination.

(9) Make the final determination on whether an award should be made, except for appeals submitted to the board. Recommend and approve an award based on the payment award scale outlined in WAC 383-06-125 developed by the productivity board.

(10) Facilitate payment and recognition to the suggester for adopted suggestions.

(11) Notify the suggester(s) of the agency recommendation. Submit copies of the evaluation to the suggester.

(12) Notify the suggester(s) in writing of their appeal rights and the length of time they have to submit an appeal as specified in WAC 383-06-141. Inform suggesters of their right to appeal to the board if they believe the result of the internal appeal is unsatisfactory.

(13) When a suggester appeals an agency recommendation, the agency shall send the productivity board a copy of the appeal. If the suggester requests to appeal to the board after the agency evaluates the appeal, the agency shall send a complete copy of the suggestion file to the board.

(14) Provide reports to the board showing agency statistics and any informative information that would benefit the

board and agencies. Reports should be submitted to the board annually, or at the board's discretion.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-070 Procedures for processing multi-agency suggestions—~~State-wide employee suggestion program.~~** Multiple-agency suggestions require evaluation by two or more agencies. ~~((The program administrator))~~ Productivity board staff will ((nominate to the board any)) determine if the suggestion ((which)) meets the criteria enumerated in WAC 383-06-020((7)) (11), following processing according to procedures developed in accordance to WAC 383-06-100. ((The administrator)) Productivity board staff will coordinate ((investigation of the suggestion through)) the multi-agency evaluation processing. ((Such coordination may entail:

- ~~(1) Obtaining all pertinent information concerning the merits of the suggestion from representative agencies; and~~
- ~~(2) Making a formal report to the productivity board about the suggestion.))~~

NEW SECTION

**WAC 383-06-071 Procedures for processing multi-agency suggestions—Agency unique suggestion program.** Multiple-agency suggestions require evaluation by two or more agencies. The agency will determine if the suggestion meets the criteria enumerated in WAC 383-06-020(11), following processing according to procedures developed in accordance to WAC 383-06-100. An agency may advertise suggestions that are beneficial for other agencies through web sites, newsletters and other methods used for advertising by their agency. Agencies shall disseminate all suggestions to the productivity board that need review by another agency(ies). Agencies shall also disseminate suggestions to the productivity board that result in substantial savings or that could be beneficial for other agencies.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-080 Eligibility for participation and monetary awards.** (1) ~~((Employees of merit system and higher education system agencies under chapters 41.06 and 28B.16 RCW may submit suggestions.))~~ Any employee, as defined in WAC 383-06-020(8), may participate in the program.

(2) Employees are ineligible to receive monetary awards through the program for the following categories, except through internal recognition in accordance with RCW 41.60.150. It is up to the agency head to make the determination whether the following categories of suggestions will receive internal recognition:

(a) Suggestions that fall within the suggester's job responsibility. The following circumstances are considered to fall within this category:

(i) Employees whose normal duties involve research and planning ((may participate but may not receive cash awards unless the subject matter is unrelated to their routine work assignment:

Employees with the authority to make the change suggested may not receive an award.

(2) Productivity board members and staff may not participate.

(3) If a suggestion is adopted for implementation, an employee is eligible to receive an award in accordance with WAC 383-06-110), unless unrelated to their routine work assignment:

(ii) The employee has the authority to implement the change;

(iii) The suggestion falls within the suggester's normal assigned job responsibilities;

(iv) The employee has been given the change as a work assignment or the suggested change has been tasked to a team that includes the suggester.

(b) Suggestions submitted after the idea is implemented. Implementation means the time the idea becomes fully operational.

(c) Suggestions wherein the suggester either directly or indirectly has a proprietary interest in the suggestion.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-090 Suggestion format—State-wide employee suggestion program.** (1) Suggestions shall be submitted via hard copy, fax or on-line:

(a) In a legible manner on the ((special)) application forms to be provided by the agency ((coordinators)) or the productivity board office.

((2)) (b) To the ((program administrator)) productivity board at the address/ mailing information indicated on the form: P.O. Box ((4789)) 40244, Mailstop: ((FE-11)) 40244, Olympia, WA 98504-0244.

((3)) (2) Submitted suggestions shall contain:

(a) A specific ((statement of what is suggested)) and concise narrative describing the solution and how it can be accomplished;

(b) A brief ((statement)) and concise narrative describing the present methods, practices or problem;

(c) A cost-benefit analysis of the anticipated savings that will result from implementing the suggestion, and the method used to determine the calculated savings. If savings are not anticipated then a statement of the ((savings;)) improved services(;) or benefits which will accrue from adoption of the suggestion must be included.

(3) Suggesters shall research the suggested proposal to determine whether the proposal is practical.

(4) Suggestions must also include the suggester's signature or e-mail address, title of position, department and division, and mailing address ((and)), Social Security numbers are optional at the time of submittal, but are needed upon adoption for payment purposes.



NEW SECTION

**WAC 383-06-091 Suggestion format—Agency unique suggestion program.** An agency with delegated authority to administer an agency unique suggestion program may develop their own forms and submittal process, and shall share copies of their forms with productivity board staff to ensure the intent is consistent with the state-wide employee suggestion program.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-100 Suggestion acceptability.** Suggestions considered acceptable are those which improve the efficiency and/or the effectiveness of state government.

(1) This may include, but is not limited to:

- (a) Savings in time or money;
- (b) Generation of revenue;
- (c) Elimination of waste or duplication;
- ~~((e))~~ (d) Improved service or product;
- ~~((d))~~ (e) Energy (~~conversation~~ ~~{conservation}~~) con-  
servation;
- ~~((e))~~ (f) Improved working conditions.

(2) Suggestions shall be considered in the order of the date by which they are officially received by the ~~((program administrator))~~ productivity board or the agency.

(3) Suggestions may be unacceptable when a remedy exists through other established administrative procedures, such as:

- (a) ~~((The need for routine maintenance of buildings or grounds;~~
- ~~(b))~~ (b) Personalized complaint affecting suggester only;
- ~~((e) Recommendation for a study, review, survey, design, audit, research, development, investigation, etc., without stating what the expected outcome should be or what solution might result from it;~~
- ~~(d))~~ (b) Proposing items in state stock be issued and used for their intended purpose;
- ~~((e))~~ (c) Changing salary, position ~~((or))~~ classification, employee benefits, state holidays, leave benefits, retirement compensation, or any other compensation to an employee;
- ~~((f))~~ (d) Enforcement of laws, policies, procedures, regulations, rules, etc.;
- (e) Common sense ideas;
- (f) Outside purview of state government.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-120 Payment of cash awards—State-wide employee suggestion program.** (1) ~~((No))~~ Cash awards shall be ~~((for less than twenty-five dollars or for more than the maximum amount permitted by RCW 41.60.041))~~ based on the payment award scale developed and maintained by the productivity board and outlined in WAC 383-06-125.

(2) Awards for suggestions which will result in ~~((demonstrable))~~ actual cost savings ~~((of money))~~ shall be ~~((determined by))~~ recommended by the evaluating agency and the board shall make the final award determination in light of the

agency recommendation and the payment award scale after consideration of the savings to be effected.

(3) Suggestions which will result in cost-avoidance, intangible improvements~~((;))~~ such as benefits in safety, health, welfare, morale, etc., ~~((may be granted cash awards in amounts to be determined by the board. The board shall set guidelines, insofar as possible, to make such awards commensurate with the benefits anticipated from the suggestion))~~ or when savings cannot be calculated shall receive internal recognition from the agency permitted through RCW 41.60.150. The award shall not exceed the amount permitted in RCW 41.60.150. The nature and extent of the award shall be determined by the agency in light of the payment award scale outlined in WAC 383-06-125.

(4) The board may direct incremental payment of any award.

(5) The acceptance of cash awards shall constitute an agreement that the use by the state of Washington of the suggestion for which the award is made shall not form the basis for a further claim of any nature upon the state by the employee or the employee's heirs or assignees. Upon adoption the suggested idea becomes the property of the state of Washington.

(6) When a suggestion is submitted by more than one employee, any resulting award will be shared by the cosuggesters listed on the suggestion form.

(7) Cash awards may not be used for the purpose of computing a retirement allowance under any public retirement system of the state.

NEW SECTION

**WAC 383-06-121 Payment of cash awards—Agency unique suggestion program.** (1) Cash awards shall be based on the payment award scale developed and maintained by the productivity board and outlined in WAC 383-06-125.

(2) Awards for suggestions which will result in actual cost savings shall be determined by the agency after consideration of the savings to be effected in accordance with the payment award scale outlined in WAC 383-06-125.

(3) Suggestions which will result in cost-avoidance, intangible improvements such as benefits in safety, health, welfare, morale, etc., or when savings cannot be calculated shall receive internal recognition from the agency permitted through RCW 41.60.150. The award shall not exceed the amount permitted in RCW 41.60.150. The nature and extent of the award shall be determined by the agency in light of the payment award scale outlined in WAC 383-06-125.

(4) The acceptance of cash awards shall constitute an agreement that the use by the state of Washington of the suggestion for which the award is made shall not form the basis for a further claim of any nature upon the state by the employee or the employee's heirs or assignees. Upon adoption the suggested idea becomes the property of the state of Washington.

(5) When a suggestion is submitted by more than one employee, any resulting award will be shared by the cosuggesters listed on the suggestion form.

(6) Cash awards may not be used for the purpose of computing a retirement allowance under any public retirement system of the state.

#### NEW SECTION

**WAC 383-06-125 Payment award scale.** The following payment award scale shall be developed by the productivity board and shall be used by the state-wide employee suggestion and agency unique programs when determining awards.

(1) Cash awards for suggestions generating actual cost savings and/or revenue to the state shall be ten percent of the actual net savings and/or revenue generated. Savings and/or revenue shall be calculated for one full year and should be for the first year of implementation.

(2) Cash awards for suggestion teams shall be up to twenty-five percent of the actual net savings and/or revenue generated to be shared by the team in a manner approved by the agency head. In order for suggestion teams to receive a cash award they must have the approval of the agency head or designee. A suggestion team is a group of individuals involved in the suggestion and the implementation process.

(3) No award may be granted in excess of ten thousand dollars.

(4) All suggestions that result in cost-avoidance, for which benefits to the state are intangible or for which savings cannot be calculated, shall receive recognition. Internal recognition shall be given in accordance with RCW 41.60.150. Internal recognition may be monetary and/or nonmonetary recognition and may not exceed the amount permitted by RCW 41.60.150. The agency may consider additional recognition, such as a certificate of appreciation, a letter thanking the suggester for the idea, recognizing the suggester(s) for the suggestion at an agency event, meeting, etc.

(5) Awards shall be consistent and given in a timely manner.

**AMENDATORY SECTION** (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-130 Recognition of merit.** The board may issue ~~((noncash))~~ nonmonetary recognition of merit in such form and manner as it determines.

**AMENDATORY SECTION** (Amending Order 85-1, filed 1/30/86)

**WAC 383-06-140 Appeal/perfection of right to appeal—State-wide employee suggestion program.** (1) A suggester, or the suggester's representative, may, by written appeal, request that either a denial of award or the amount of an award be reconsidered. To be valid, the appeal must be ~~((postmarked))~~ received by the board within thirty calendar days of ~~((notification of))~~ board action. For an appeal to be accepted, new evidence or new information must be supplied. Such appeal must state with specificity the grounds for the appeal and a statement of the relief sought.

(2) ~~((At the direction of the))~~ Productivity board ~~((;))~~ staff shall make the determination whether an appeal request is

accepted or rejected based on the new information or new evidence that is submitted by the suggester. An agency shall reconsider accepted appealed suggestions based upon new information or new evidence provided in the written appeal and report its findings to the productivity board. The board shall reconsider the suggestion in light of new information and/or evidence and evaluations.

(3) If a rejected suggestion is ~~((placed in effect))~~ implemented within two years of board action, the employee may file an appeal based on the suggestion's implementation. Such appeal must be filed within ~~((sixty days of the date that the suggestion was placed into effect))~~ two years of board action.

(4) The board reserves the right to rule on cases which involve extenuating circumstances.

#### NEW SECTION

**WAC 383-06-141 Appeal/perfection of right to appeal—Agency unique suggestion program.** (1) A suggester, or the suggester's representative, may, by written appeal, request that either a denial of award or the amount of an award be reconsidered. To be valid, the appeal must be received by the agency within thirty calendar days of the agency's formal action of the suggestion. For an appeal to be accepted, new evidence or new information must be supplied. Such appeal must state with specificity the grounds for the appeal and a statement of the relief sought.

(2) If a rejected suggestion is implemented within two years of the agency's formal action of the suggestion, the employee may file an appeal based on the suggestion's implementation. Such appeal must be filed within two years of agency action.

(3) The agency shall direct all appeals to the agency head with a copy to the productivity board.

(4) The agency shall make the determination whether an appeal request is accepted or rejected based on the new information or new evidence that is submitted by the suggester. An agency shall reconsider accepted appealed suggestions based upon the new information and/or evidence provided in the written appeal and report its findings to the suggester.

(5) If the suggester believes the agency appeal process is unsatisfactory the suggester may appeal to the board. An agency head may also request the appeal be turned over to the board if he/she believes an outside party should become involved with the appeal process. The agency shall inform all suggesters of their rights to appeal to the board if they are not satisfied with the agency appeal evaluation. When a suggester or the agency head appeals to the board, complete copies of the suggestion file must be submitted to the board.

(6) The board reserves the right to rule on cases which involve extenuating circumstances.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 383-06-050

Responsibilities of agency coordinators.

WAC 383-06-060	Responsibilities of agency evaluators.
WAC 383-06-110	Eligibility for cash awards.

**WSR 99-18-035**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**

[Filed August 25, 1999, 12:17 p.m., effective September 1, 1999]

Date of Adoption: August 19, 1999.

Purpose: Amending chapter 383-07 WAC to revise references that no longer apply due to new legislation and to incorporate new program rules.

Citation of Existing Rules Affected by this Order: Amending chapter 383-07 WAC.

Statutory Authority for Adoption: Chapter 50, Laws of 1999, chapter 41.60 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Due to new legislation becoming effective July 25, 1999, and new program rules, the Productivity Board needs to submit emergency rules in order to be in compliance with the new laws.

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 13, 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 13, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 13, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 1999.

August 19, 1999

Tracy Guerin

Deputy Secretary of State

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-020 Definitions.** As used in this chapter, these definitions refer only to the teamwork incentive program unless the context requires otherwise:

(1) "Board" means productivity board.

(2) (~~("Executive director")~~) "Program manager" is the (~~(administrator)~~) executive manager of the (~~(programs)~~) productivity board and serves as staff to the productivity board.

(3) "Program" means teamwork incentive program developed by the productivity board under chapter 41.60 RCW, and is frequently abbreviated as TIP.

(4) (~~("Program manager" refers to the person hired by the executive director to administer the program known as TIP.~~

(5)) "The act" referred to in this chapter is chapter 41.60 RCW.

(~~(6)~~) (5) "Agency" includes every subdivision of state government eligible to participate under chapter 41.60 RCW, including all merit system agencies and institutions of higher education.

(~~(7)~~) (6) "Team" means a subdivision with a common mission within or between agencies. (~~(A team may also be referred to as a "unit" or a "group."~~

(8) "~~Director~~") (7) "Agency head" means the appointed or elected chief executive of the agency.

(~~(9)~~) (8) "Supervisor" means the person responsible for unit operations in accordance with WAC 356-05-400 or 251-01-395. (Merit system rules and higher education personnel board rules defining supervisor.)

(~~(10)~~) "~~Steering committee~~" means ~~a representative group of individuals responsible for planning and implementation of TIP within an agency.~~

(~~(11)~~) (9) "Liaison" means the individual who is the key contact from an agency to the productivity board. (~~(The TIP liaison is a member of the steering committee in agencies using them.~~

(12)) (10) "Award" means the percentage of savings allowed by chapter 41.60 RCW and WAC 383-07-125.

(~~(13)~~) (11) "Cost savings" (~~(refers to cost efficiencies which occurred as a result of productivity improvements. Cost savings may be reflected in budget reductions and/or cost containment)~~) means actual net savings and/or revenue generated to the state. Gains to state funds may be reflected in higher receipts or revenue recoveries as a result of improved methods used by the team.

(~~(14)~~) (12) "Outcome" refers to the accomplishments or results achieved by the (~~(unit)~~) team.

(~~(15)~~) (13) "Project (~~(year)~~) period" means the (~~(twelve month)~~) team project period during which performance and fiscal measures are monitored.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-030 Functions of the board.** The responsibilities of the board shall include:

(1) Promotion and marketing of the program to agency (~~(directors)~~) heads and the legislature;

(2) Establishment of policies under which the program shall be promoted and administered, including guidelines cited in WAC 383-07-045, 383-07-050, and 383-07-060 concerning the responsibilities of agency management, TIP liaisons and agency employees;

(3) Adoption of rules and regulations necessary for the administration of this act;

- (4) Final determination in approving team participation in the teamwork incentive program;
- (5) Final approval of any amount awarded to an eligible team;
- (6) Submission of reports required by chapter 41.60 RCW.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-040 Duties of ~~((the program manager))~~ productivity board staff.** (1) The program manager shall report to the ~~((executive director))~~ board and be responsible and accountable to the board for the administration of the program, and shall:

~~((1))~~ (a) Attend meetings of the board and ensure a record of its actions regarding the program is maintained.

~~((2))~~ (b) Propose policies, rules, and regulations appropriate for the administration of the program.

~~((3))~~ (c) Establish and maintain records and procedures necessary for the administration and maintenance of the program.

~~((4))~~ (2) Productivity board staff shall:

(a) Interact with agency managers regarding team participation and facilitate understanding and involvement in the program.

~~((5))~~ (b) Review applications and reports submitted by teams to ensure compliance with chapter 41.60 RCW and to recommend necessary changes.

~~((6))~~ (c) Interface with agency TIP liaisons and/or other agency personnel about the program.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-045 Responsibilities of agency management.** Under the following guidelines, agency management shall be responsible for facilitating agency involvement at all stages of the teamwork incentive program, including the following:

(1) Promotion and administration of the TIP program within the agency, offering assistance in the completion of team applications, including documentation of approval and denial of applications;

(2) Providing support throughout team participation in the TIP project through encouragement, records management and training assistance, and facilitating cooperation between shifts, other ~~((units))~~ teams, other divisions, etc.;

(3) Review of ~~((quarterly))~~ team application, mid-point and final TIP reports, verifying sustained or improved performance and quality measures, and fiscal impact;

(4) Review, approve, and verify savings identified in the team's report for a TIP award for a team that has already implemented their improvements. Teams that have already implemented their project improvements are eligible to receive a TIP award if the agency head nominates the team for a TIP award within one year of implementation of the team project. The agency head shall also support the percentage of the actual net savings and/or net revenue generated to the state that the team is entitled to receive. The TIP award

cannot exceed the percentage and maximum award amount permitted in WAC 383-07-125.

(5) Cooperation and assistance in recognizing TIP teams for their efforts and achievements, including timely payment of awards.

~~((5))~~ (6) Ensurance that gains obtained during the TIP~~((year))~~ project period are sustained.

The agency head shall appoint an individual as TIP liaison to coordinate agency TIP activities with the productivity board. ~~((A group of individuals, including the agency TIP liaison, may be designated as a steering committee within the agency to implement and maintain the program.))~~

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-050 Responsibilities of the TIP liaison.** The TIP liaison, under these guidelines, serves as the primary link between the board and the agency, and is responsible and accountable to agency management. The TIP liaison shall:

(1) Coordinate the TIP program within the agency ~~((as a key member of the agency's TIP steering committee or))~~ and act as an individual liaison between the agency and the board.

(2) Oversee the completion and submission of all TIP applications, working within agency chain of command and with productivity board staff. Ensure that all applications meet the criteria established by RCW 41.60.100, WAC 383-07-070 and 383-07-080. Ensure an executive summary for board meeting packets is prepared and submitted with the TIP application.

(3) Monitor on-going TIP activities within the agency, reviewing all ~~((quarterly))~~ reports for completeness and accuracy and transmit reports to ~~((the program manager))~~ productivity board staff in a timely manner.

(4) Represent the agency on TIP-related issues at board meetings. Attend regularly scheduled board meetings when the agenda includes TIP projects or issues relevant to the agency.

(5) Promote and market the program within the agency through on-site presentations, written communications, facilitation of meetings and other effective means to acquaint employees and supervisors with the purpose and benefits of the program. Coordinate recognition of ~~((groups completing the year-long project))~~ teams receiving a TIP award.

(6) Ensure that award authorizations are processed, and that payments are made to individuals in a timely manner.

(7) Identify and encourage use of internal resources, such as training staff and management analysts, to assist ~~((units))~~ teams participating in TIP.

(8) Identify and encourage use of other resources inside and outside state government ~~((, such as the state energy office, the career executive program, and other knowledgeable experts)).~~

(9) Coordinate with agency management and the board for recognition of groups completing the ~~((year-long))~~ project period.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-060 Employee responsibilities.** Employees within a unit(s) form a team under these guidelines. As team members, individuals should:

- (1) Understand the mission of the team and be aware of performance goals and fiscal targets identified as a baseline in the TIP application.
- (2) Identify areas which the team should address as a means to improve performance outcomes.
- (3) Share ideas with other team members and build upon ideas shared by others.
- (4) Propose efficiencies and develop action plans designed to achieve and maintain ongoing productivity gains.
- (5) Submit action plans to management as needed to implement proposals.
- (6) Implement changes and evaluate their effectiveness.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-070 Application procedures.** ~~((Units))~~ Teams interested in being considered for participation in the teamwork incentive program shall complete a TIP application form.

- (1) Application forms shall be available from the productivity board office or the TIP liaison within the agency.
- (2) Applications which are approved by the agency shall be submitted by the TIP liaison to ~~((the program manager))~~ productivity board staff.
- (3) Applications should be submitted prior to the beginning of the project ~~((year and must be received by the board staff by the 10th of the month preceding board action))~~ period to approve a team's participation in the teamwork incentive program.
- (4) An agency head may nominate a team for their outstanding achievements for a TIP award after a team has implemented their project improvements. The agency shall submit the report to the productivity board nominating the team for an award and identifying the performance measures used to determine actual savings and/or revenue within one year of implementation of the team project. The productivity board shall make the final award determination.

(5) Applications presented to the board for action shall contain authorizing signatures and outcome and fiscal information.

~~((5))~~ In accordance with RCW 41.60.110(1)(b), ~~((6))~~ A team participating in the program for two or more consecutive times may choose to compare its costs or revenues during the current period of participation with its costs or revenues during for the immediately preceding period or an average of its costs or revenues for the preceding two or three comparable spans of time in the program. Teams completing a TIP project ((year)) period may reapply by the submission of an abbreviated application, including authorizing signatures, time frames and either a confirmation of the previous results and/or revised performance measures as the baseline to be used.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-080 Application format—For applications submitted prior to the project period.** For applications to be considered by the board, ~~((units))~~ teams interested in participating in the teamwork incentive program must meet these eligibility criteria:

(1) An identification of the baseline ~~((as specified in RCW 41.60.110(1),))~~ against which savings shall be evaluated at the end of the project ~~((year, including))~~ period. Teams shall demonstrate to the satisfaction of the board that it has operated during the period of participation at a lower cost or with an increase in revenue with no decrease in the level of services rendered.

(2) The application must also include the following:

- (a) A general description of the team and its mission;
- (b) Performance measures which quantify the workflow and outcome measures of the team;
- (c) Fiscal information pertinent to outcomes;
- (d) A list of participating personnel and their Social Security numbers to be used for payment purposes, with special notation of those working less than full time; ~~((and))~~
- (e) A statement of how the team expects to achieve gains~~((-))~~; and
  - ~~((2))~~ (f) Signatures of agency management authorizing the team's participation in the TIP project, including:
    - ~~((a))~~ (i) The head of the agency in which the team is located or his ((or))her designee. The agency head may choose to waive the requirement of having other authorizing agency signatures referenced in (f)(i) through (iv) of this subsection;
    - ~~((b))~~ (ii) The supervisor/manager of the participating ((unit)) team;
    - ~~((c))~~ (iii) The appropriate fiscal/budget officer of the agency; and
    - ~~((d))~~ (iv) Other signatures specified by the agency, such as the personnel manager and division directors.

#### **NEW SECTION**

**WAC 383-07-085 Application format—For applications submitted after the project period.** For applications to be considered by the board for teams that have already implemented their project improvements, teams interested in receiving a TIP award must meet these eligibility criteria:

- (1) The report shall be submitted to the productivity board within one year of full implementation of the team's project.
- (2) The report must be submitted to the productivity board by the agency with the agency head's approval. The agency head's approval shall be required for the team to be eligible for a TIP award.
- (3) An identification of the baseline, against which savings were evaluated at the end of the project period. Teams shall demonstrate to the satisfaction of the board that the team operated at a lower cost or with an increase in revenue with no decrease in the level of services rendered.
- (4) The report must also include the following:

EMERGENCY

(a) A general description of the team and its mission and when the team project was implemented;

(b) Performance measures which quantify the workflow and outcome measures of the team;

(c) The actual net savings and/or revenue derived from the team project and calculations showing how the figures were derived;

(d) Fiscal information pertinent to outcomes;

(e) A list of participating personnel and their Social Security numbers to be used for payment purposes, with special notation of those working less than full time; and

(f) Signatures of agency management authorizing the team's participation in the TIP project, including:

(i) The head of the agency in which the team is located or his or her designee. The agency head may choose to waive the requirement of having other authorizing agency signatures referenced in (f)(ii) through (iv) of this subsection;

(ii) The supervisor/manager of the participating team;

(iii) The appropriate fiscal/budget officer of the agency; and

(iv) Other signatures specified by the agency, such as the personnel manager and division directors.

(5) The report includes final report information, and therefore, shall serve as the only report needed to receive a TIP award. The board shall make the final determination whether to approve the TIP award based on the information provided in the report.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-090 Approval or denial of the application.** Upon receipt of the official application, ~~((the program manager))~~ productivity board staff shall:

(1) Review the application for completeness and accuracy, coordinating with the agency TIP liaison on any points needing clarification.

(2) Schedule the application for board action at the next appropriate meeting.

(3) Prepare an executive summary for applications submitted prior to implementing the team project improvements about the team, its performance measures and its TIP goals to be sent to board members prior to scheduled action.

(4) Prepare an executive summary, if needed, for applications submitted after implementing the team project improvements about the team, its accomplishments, its performance measures including actual net savings and/or net revenue, and the award information to be sent to board members prior to scheduled action.

~~(5) Make a recommendation to board members concerning the application, based on whether ((or not)) the application is reasonable and practical ((and includes program indicators which lend themselves to a judgment of success or failure).~~

~~(5) The board may approve or deny an application based upon whether or not the proposal is deemed reasonable, practical and includes program indicators which lend themselves to a judgment of success or failure).~~

(6) Communicate with the TIP liaison and interested others about dates for the anticipated board action on the appli-

cation, the ~~((quarterly))~~ mid-point report(s) and the anticipated final review and approval of any team award.

The board may approve or deny an application based upon whether the proposal is deemed reasonable, practical and includes program indicators which lend themselves to a judgment of success or failure.

The board shall make the final determination whether to approve TIP awards for teams that have already implemented their project improvements based on the information provided in the report(s).

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-100 Reports to the productivity board.** Each team accepted to participate in the program prior to implementation of their project shall submit ~~((regular progress))~~ a mid-point report(s) to the board through the agency's TIP liaison.

(1) ~~((Quarterly))~~ The mid-point report(s) shall be submitted to the board in accordance with a schedule arranged by the program manager and shall contain, as a minimum, the following information:

(a) An update on team accomplishments relative to TIP performance measures;

(b) An update on personnel changes; and

(c) An indication of quality of outcomes.

(2) Final reports shall be submitted to the board within three months following the TIP completion date and shall include, as a minimum, the following information:

(a) ~~((Annual))~~ Project period accomplishments relative to TIP performance measures as compared to TIP baseline measures, expressed in both quantitative and qualitative terms, including the total net savings, the team award and the amount of a full award share;

(b) A list of personnel eligible to receive full award shares;

(c) A list of personnel eligible to receive partial award shares, based on the fraction of the ~~((year))~~ project period each has worked for the ~~((unit))~~ team;

(d) A statement of quality of services written by agency management; and

(e) Specific information requested by the program manager on behalf of the board.

(3) In ~~((their))~~ its final report, the team shall submit documentation which quantifies performance measures, fiscal measures, and outcome measures for the TIP project ~~((year))~~ period. Acceptable documentation may include, but is not limited to:

(a) Fiscal documents, such as budgets and accounting reports;

(b) Agency management reports quantifying outcomes;

(c) Reports from other state agencies ~~((, such as the state energy office))~~ or federal agencies;

(d) Reports made to other agencies or governmental units;

(e) Personnel reports quantifying overtime hours; and

(f) Other reports relevant to TIP performance outcomes and operational costs.

(4) The program manager may extend due dates for reports.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-115 Evaluation of savings.** Teams must demonstrate cost efficient operations during the TIP (~~(year)~~) project period through lower costs, improved productivity, and/or higher level of receipts with no decrease in level of service. Legitimate cost efficiencies are actual cost savings or gains to the state and may be achieved in one or more of the following ways:

(1) Net cost reductions, when spending levels decrease;  
 (2) ~~((Cost containment or cost avoidance, when spending levels are not reduced but additional funding does not have to be requested to handle increased workloads;~~

(3)) Revenue recoveries, when more moneys owed to the state are collected as a result of enhanced operations leading to higher yield of receipts; or

~~((4))~~ (3) Other means considered by the board to represent true costs savings or enhanced generation of revenue.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-120 Distribution of awards.** Awards shall be distributed to employees and supervisors of the ~~((unit))~~ team identified as team members in the final report as follows:

(1) If the board determines in its judgment that a team qualifies for an award, the board shall authorize payment of the award to the team a percentage of net savings as ~~((specified in RCW 41.60.120))~~ negotiated between the team and agency management. The percentage of actual net savings and/or revenue generated shall not exceed twenty-five percent of the total net savings and/or revenue to be shared among team members.

(2) The team award shall be divided and distributed in equal shares to members of the team, except those who have worked within the team for less than ~~((twelve months of))~~ the TIP(~~(year)~~) project period or less than full time during the ~~((twelve months of the))~~ project period shall receive a pro rata share based upon the fraction of the TIP(~~(year)~~) project period worked.

(3) No individual share of the team award shall exceed ten thousand dollars per person, which is the maximum ~~((suggestion))~~ award allowed in RCW 41.60.041(2) and WAC 383-07-125(2).

(4) Funds for paying awards shall be drawn from the agency in which the team is located. Awards for generating increased revenue to a state fund or account may be paid from the benefitted fund or account. ~~((In the case of general fund revenue, the award shall be drawn from the general fund in accordance with productivity board policy.))~~ Awards may be paid to teams for process changes which generate new or additional money for the general fund or any other funds of the state. The director of the office of financial management shall distribute moneys appropriated for this purpose with the concurrence of the productivity board. Transfers shall be

made from other funds of the state to the general fund in amounts equal to award payments made by the general fund for innovations generating new or additional money for those funds. Awards may only be given for savings derived and/or revenue generated for the state.

(5) Teams not demonstrating cost efficiencies may receive special recognition of merit in the form and manner determined by the board.

#### NEW SECTION

**WAC 383-07-125 Payment award scale.** The following payment award scale shall be developed by the productivity board. TIP awards shall be based on the following:

(1) Team awards are based on a percentage of the savings and/or revenue determined by the team and agency management during the application process. The total team award shall not exceed twenty-five percent of the actual net savings and/or net revenue generated to the state for the TIP project period. The team award shall be divided among the team members.

(2) No award may be granted in excess of ten thousand dollars.

(3) No cash awards shall be given for team projects that do not produce actual cost savings or generate revenue to the state.

**AMENDATORY SECTION** (Amending WSR 92-09-048, filed 4/10/92, effective 5/11/92)

**WAC 383-07-130 Award authorization and payment procedures.** Following approval of a teamwork incentive award by the productivity board, the ~~((executive director))~~ program manager shall submit a notice to the agency authorizing payment of awards in accordance with RCW 41.60.120 and WAC 383-07-125.

(1) The award authorization notice shall include:

(a) The total amount of savings and/or revenue;

(b) The ~~((unit))~~ team award based upon the percentage specified by ~~((RCW 41.60.120))~~ WAC 383-07-125; and

(c) A list of employees and the amount of each individual's award share.

(2) The award authorization notice shall be sent to the agency's TIP liaison for processing payments of awards and fees. A copy of the authorization shall be forwarded to the team supervisor.

(3) The award authorization notice shall be sent as soon as possible following board action.

(4) The agency shall arrange for payment of awards in a timely manner.

**WSR 99-18-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Medical Assistance Administration)

[Filed August 25, 1999, 4:11 p.m.]

Date of Adoption: August 25, 1999.

Purpose: This rule adopts changes in the federal standards for community spouses and family needs allowances. It incorporates a state plan amendment allowing an increase in the personal needs allowance (PNA) for certain persons. It implements a section of the Balanced Budget Act (BBA) of 1997 that mandates including certain veteran benefits when the department determines how much a person is able to participate in the cost of long-term care services. This rule was permanently filed under WSR 99-11-017, but due to an error, the increased amounts were not reflected in the filed text. This filing implements those increases.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-513-1380.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500.

Other Authority: Section 1924(g) of the Social Security Act, Section 4715 of the BBA of 1997 (Public Law 105-33, HR 2015).

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Federal regulations require this increase in standards to be effective January 1, 1999, in order for the state to continue receiving federal funds. These regulations were initially implemented under emergency rule filed under WSR 99-01-168. A permanent rule was filed under WSR 99-11-012 but, due to an error, the increased amounts were not reflected in the filed text.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

August 25, 1999

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-11-017, filed 5/10/99, effective 6/10/99)

**WAC 388-513-1380 Institutional—Participation—Client cost of care.** This section describes allocations of income and excess resources used to determine a person's participation in the cost of care for institutional services in a medical facility. Income allocations described in this section are used to reduce countable income that remains after exclusions described in WAC 388-513-1340.

(1) Allocations used to reduce excess resources are amounts for incurred medical expenses, not subject to third-party payment, for which the person is liable, including:

(a) Health insurance and Medicare premiums, deductions, and co-insurance charges; and

(b) Necessary medical care recognized under state law, but not covered under the state's Medicaid plan.

(2) Allocations used to reduce countable income are made in the following order:

(a) Amounts described in subsection (2)(a) may not total more than the one-person medically needy income level (MNIL):

(i) A personal needs allowance (PNA) as follows:

(A) One hundred sixty dollars for a person living in a state veterans' home;

(B) Ninety dollars for a veteran or a veteran's surviving spouse, who receives an improved pension and does not live in a state veterans' home; or

(C) Forty-one dollars and sixty-two cents for all other persons in a medical facility.

(ii) Federal, state, or local income taxes:

(A) Mandatorily withheld from earned or unearned income for income tax purposes before receipt by the person; or

(B) Not covered by withholding, but are owed, become an obligation, or have been paid by the person during the time period covered by the PNA.

(iii) Wages for a person who:

(A) Is SSI-related; and

(B) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the person for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(iv) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(b) Income garnisheed for child support:

(i) For the time period covered by the PNA; and

(ii) Not deducted under another provision in the post-eligibility process.

(c) A monthly needs allowance for the community spouse not to exceed, effective January 1, 1999, two thousand forty-nine dollars, unless a greater amount is allocated as described in subsection (4) of this section. The monthly needs allowance:

(i) Consists of a combined total of both:

(A) An amount added to the community spouse's gross income to provide a total of one thousand three hundred ~~((fifty-eight))~~ eighty-three dollars; and



(B) Excess shelter expenses as specified under subsection (3) of this section; and

(ii) Is allowed only to the extent the person's income is made available to the community spouse.

(d) A monthly maintenance needs amount for each dependent or minor child, dependent parent or dependent sibling:

(i) Residing with the community spouse, equal to one-third of the amount that one thousand three hundred (~~fifty-seven~~) eighty-three dollars exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) Not residing with the community spouse, equal to the MNIL for the number of family members in the home less the income of the family members.

(e) Incurred medical expenses described in subsections (1)(a) and (b) not used to reduce excess resources.

(f) Maintenance of the home of a single person or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the person is likely to return to the home within the six-month period; and

(iv) When social service staff documents initial need for the income exemption and reviews the person's circumstances after ninety days.

(3) For the purposes of this section, "excess shelter expenses" equal the actual expenses under subsection (3)(a) less the standard shelter allocation under subsection (3)(b):

(a) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) The standard shelter allocation is four hundred (~~seven~~) thirteen dollars, effective April 1, 1998.

(4) The amount allocated to the community spouse may be greater than the amount in subsection (2)(c) only when:

(a) A court enters an order against the person for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(5) A person receiving SSI shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(a) Stay in the institution or facility is not expected to exceed three months; and

(b) The person plans to return to former living arrangements.

**WSR 99-18-051**  
**EMERGENCY RULES**  
**HEALTH CARE AUTHORITY**

(Basic Health Plan)

[Order 99-07—Filed August 27, 1999, 9:52 a.m.]

Date of Adoption: August 27, 1999.

Purpose: These amendments are necessary because of a significant and unanticipated decrease in the number of managed health care systems participating in basic health's non-subsidized program for plan year 2000. Basic health will be forced to limit new non-subsidized enrollment in areas where no managed health care system has contracted to accept new members, as well as disenroll current non-subsidized members beginning January 2000 in areas where no managed health care system will be available after December 31, 1999. These amendments are necessary to enable basic health to limit or close non-subsidized enrollment. New section WAC 182-25-031 is necessary to enable current subsidized enrollees who lose eligibility for a premium subsidy to continue their coverage and remain with their selected managed health care system through the end of the 2000 plan year if they pay the full cost of their coverage. The policy statement regarding open enrollment is moved from WAC 182-25-010(27) to 182-25-040(8), to allow for clarification.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-010, 182-25-030, 182-25-040, and 182-25-090.

Statutory Authority for Adoption: RCW 70.47.050.

Other Authority: RCW 70.47.060, 70.47.100.

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 amendments are necessary because of a significant decrease in the number of managed health care systems participating in basic health's non-subsidized program after December 31, 1999. Without these changes, basic health will be unable to provide coverage for current non-subsidized enrollees or for subsidized enrollees who lose eligibility for a premium subsidy.

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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

EMERGENCY

Effective Date of Rule: Immediately.

August 27, 1999  
Melodie H. Bankers  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 98-15-018, filed 7/6/98, effective 8/6/98)

**WAC 182-25-010 Definitions.** The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university,

technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is under legal guardianship of the subscriber or the subscriber's dependent spouse, and who is incapable of self-support due to disability.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington. Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection.

(a) Income includes:

(i) Money wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

(iv) Regular payments from Social Security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance, alimony, child support, military

family allotments, private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments;

(v) Work study or training stipends;

(vi) Dividends and interest accessible to the enrollee without a penalty;

(vii) Net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

(b) Income does not include the following types of money received:

(i) Capital gains;

(ii) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(iii) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation);

(iv) Noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance;

(v) Income earned by dependent children;

(vi) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vii) College or university scholarships, grants, fellowships and assistantships;

(viii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

(ix) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue Service requirements) when calculating gross family income. To qualify for this deduction, the subscriber must be employed during the time the child care expenses were paid, and payment may not be paid to a parent or step parent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veter-

ans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services.

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another. ~~((There shall be at least one annual open enrollment period of at least twenty consecutive days.))~~

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the three months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) The enrollee was prescribed or recommended medication; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47-060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(32) "Program" means subsidized BHP, nonsubsidized BHP, BHP Plus, or maternity benefits through medical assistance.

~~((32))~~(33) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

~~((33))~~(34) "Rate" means the per capita amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

~~((34))~~(35) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

~~((35))~~(36) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

~~((36))~~(37) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

~~((37))~~(38) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

~~((38))~~(39) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

**AMENDATORY SECTION** (Amending WSR 99-16-022, filed 7/26/99, effective 8/26/99)

**WAC 182-25-030 Eligibility.** (1) To be eligible for enrollment in BHP, an individual must be a Washington state resident who is not:

(a) Eligible for free Medicare coverage or eligible to buy Medicare coverage; or

(b) Institutionalized at the time of enrollment.

(2) Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who is no longer a Washington resident, who becomes eligible for free or purchased Medicare, or who is later determined to have failed to meet BHP's eligibility criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090. An enrollee who was not confined to an institution at the time of enrollment, who is subsequently confined to an institution, will not be disenrolled, provided he or she remains otherwise eligible and continues to make all premium payments when due.

(3) Eligibility for BHP Plus and maternity benefits through medical assistance is determined by DSHS, based on Medicaid eligibility criteria.

~~((To be eligible f))~~For subsidized enrollment in BHP, an individual must meet meet the eligibility criteria in subsection (1) of this section, have a gross family income that does not exceed two hundred percent of federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and must pay, or have paid on ~~((their))~~ his or her behalf, the monthly BHP premium.

(5) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level, must meet the eligibility criteria in subsection (1) of this section, and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

(6)(a) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP or would result in an overexpenditure of BHP funds: An individual otherwise eligible for enrollment in either the subsidized or nonsubsidized program may also be denied enrollment if no MHCS is accepting new enrollment in that program or from the geographic area where the applicant lives.

~~((In the event that))~~ If the administrator closes or limits subsidized enrollment, ~~((and))~~ to the extent funding is available, BHP will continue to accept and process applications for enrollment from:

~~((a))~~(i) Applicants who will pay the full premium, provided at least one MHCS is accepting new nonsubsidized enrollment from the geographic area where the applicant lives;

~~((b))~~(ii) Children eligible for BHP Plus;

~~((c))~~(iii) Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus for reasons other than noncompliance;

~~((d))~~(iv) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

~~((e))~~(v) Eligible individual home care providers;

~~((f))~~(vi) Licensed foster care workers;

~~((g))~~(vii) Limited enrollment of new employer groups; and

~~((h))~~(viii) Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continuous coverage and service for current individual and group accounts. (For example: Within established guidelines, processing routine income changes that may affect subsidy eligibility for current enrollees; adding new family members to an existing account; transferring enrollees between group and individual accounts; restoring coverage for enrollees who are otherwise eligible for continued enrollment under WAC 182-25-090 after a limited suspension of coverage due to late payment or other health care coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.)

(6)(c) If the administrator has closed or limited subsidized enrollment, ((A))applicants for subsidized BHP who are not in any of the~~((se))~~ categories in subsection (6)(b) of this section may reserve space on a reservation list to be processed according to the date the reservation or application is received by BHP. ~~((In the event that))~~ When enrollment is reopened by the administrator, applicants whose names appear on the reservation list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the reservation list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

#### NEW SECTION

**WAC 182-25-031** (1) During plan year 2000, because most MHCS are not accepting new enrollment in the nonsubsidized program, all MHCS serving subsidized enrollees will offer limited transition coverage for enrollees who lose eligibility for premium subsidy. For coverage after December 31, 1999, a subsidized enrollee who loses eligibility for premium subsidy may remain enrolled with no change in MHCS, benefits, or copayments through December 31, 2000, provided:

- (a) The enrollee's subsidy change was processed after September 10, 1999;
- (b) The enrollee is otherwise eligible for BHP;
- (c) The enrollee continues to reside within the MHCS service area; and
- (d) The enrollee pays the full cost of his or her coverage, plus a fee for HCA administrative costs.

(2) To retain coverage for plan year 2001, the enrollee will be required to select a MHCS contracting to serve non-subsidized enrollees and will be covered according to the schedule of benefits for nonsubsidized enrollees.

**AMENDATORY SECTION** (Amending WSR 99-16-022, filed 7/26/99, effective 8/26/99)

**WAC 182-25-040 Enrollment in the plan.** (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen

must be signed by the child's parent or legal guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation will be required, showing the amount and sources of the applicant's gross family income. Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. An average of documented income received over a period of several months may be required for purposes of eligibility determination.

(b) Documentation of Washington state residency shall also be required, displaying the applicant's name and address. Other documentation may be accepted if the applicant does not have a physical residence.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information may result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a managed health care system from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same managed health care system (with the exception of cases in which a subscriber who is paying for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) When a managed health care system assists BHP applicants in the enrollment process, it must provide them with the toll-free number for BHP and information on all MHCS available within the applicant's county of residence and the estimated premiums for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory

and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all managed health care systems available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(6), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that:

(a) at least one MHCS is accepting new enrollment in the program for which the applicant is applying and from the geographic area where the applicant lives; and

(b) the applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP.

In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(6).

(8) An open enrollment period of at least twenty consecutive days will be held annually. During this open enrollment period, enrollees may apply to enroll additional family members or to transfer their enrollment to a different MHCS, provided the MHCS selected is accepting new enrollment for the enrollee's program in the geographic area where the enrollee lives.

(9) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a "qualifying change in family status." "Qualifying changes in family status" include:

(a) The loss of other health care coverage, for a family member who has previously waived coverage, provided BHP

receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly adopted children), provided BHP receives the new family member's application within thirty days of the change in family status; or

(c) Addition of an eligible newborn child or a child newly placed for adoption provided BHP receives the child's application for enrollment within sixty days of the date of birth or placement for adoption. These children may be enrolled effective from the date of birth or placement for adoption.

~~((9))~~(10) On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income to determine if the enrollee has had a change in income that would result in a different subsidy level. For good cause, BHP may require recertification on a more widespread or more frequent basis. Enrollees who fail to comply with a recertification request will be converted to nonsubsidized enrollment for at least one month, until new income documentation has been submitted and processed. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of recertification, BHP determines an enrollee has not reported income or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

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

**AMENDATORY SECTION** (Amending WSR 99-12-033 (Order 99-01), filed 5/26/99, effective 6/26/99)

**WAC 182-25-090 Disenrollment from BHP.** (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior written notice of the intention to disenroll.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which includes:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium under the provisions of subsection (5) of this section;

(c) Nonpayment of civil penalties assessed under WAC 182-25-085;

(d) Residence outside the service area of any MHCS that is contracted to serve the program under which the enrollee is covered;

(e) Repeated failure to pay co-payments in full on a timely basis;

~~((e))~~(f) Fraud, failure to provide requested verification of eligibility, or knowingly providing false information;

~~((f))~~(g) Abuse or intentional misconduct;

~~((g))~~(h) Danger or threat to the safety or property of the MHCS or the health care authority or their staff, providers, patients or visitors; and

~~((h))~~(i) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, when the MHCS has advised the enrollee and demonstrated to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the MHCS.

In addition to being disenrolled, any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be held financially responsible for any covered services fraudulently obtained through BHP.

(3) At least ten days prior to the effective date of disenrollment under subsection (2) of this section, BHP will send enrollees written notice of disenrollment.

(a) The notice of disenrollment will:

- (i) State the reason for the disenrollment;
- (ii) State the effective date of the disenrollment;
- (iii) Describe the procedures for disenrollment; and
- (iv) Inform the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105.

(b) The notice of disenrollment will be sent to both the employer or sponsor and to all members of an employer group, home care agency group or financial sponsor group that is disenrolled under these provisions. Enrollees affected by the disenrollment of a group account will be offered coverage under individual accounts. Coverage under individual accounts will not begin unless the premium for individual coverage is paid by the due date for the coverage month. A one-month break in coverage may occur for enrollees who choose to transfer to individual accounts.

(4) Enrollees covered under BHP Plus or receiving maternity benefits through medical assistance will not be disenrolled from those programs when other family members lose BHP coverage, as long as they are still eligible for those programs.

(5) Under the provisions of this subsection, BHP will suspend or disenroll enrollees and groups who do not pay their premiums when due, including amounts owed for subsidy overpayment. Partial payment or payment by check which cannot be processed or is returned due to nonsufficient funds will be regarded as nonpayment.

(a) At least ten days before coverage will lapse, BHP will send a delinquency notice to each subscriber whose premium payment has not been received by the due date. The delinquency notice will include a delinquency due date and a notice that BHP coverage will lapse unless payment is received by the delinquency due date.

(b) Except as provided in (c) of this subsection, coverage will be suspended for one month if an enrollee's premium payment is not received by the delinquency due date. BHP will send written notice of suspension to the subscriber, stating:

- (i) The effective date of the suspension;
- (ii) The due date by which payment must be received to restore coverage after the one-month suspension;

(iii) The subscriber and any enrolled dependents will be disenrolled if payment is not received by the final due date; and

(iv) The enrollee's right to appeal under WAC 182-25-105.

(c) Enrollees whose premium payment has not been received by the delinquency due date, and who have been suspended twice within the previous twelve months will be disenrolled for nonpayment as of the effective date of the third suspension.

(d) Enrollees who are suspended and do not pay the premium for the next coverage month by the due date on the notice of suspension will be immediately disenrolled and issued a notice of disenrollment as provided in subsection (3)(a) of this section.

(6)(a) Enrollees who voluntarily disenroll or are disenrolled from BHP may not reenroll for a period of twelve months from the date their coverage ended. An exception to this provision will be made for:

(i) Enrollees who left BHP for other health insurance, who are able to provide proof of continuous coverage from the date of disenrollment, and who apply to reenroll in BHP within thirty days of losing the other coverage;

(ii) Enrollees who left BHP because they lost eligibility and who subsequently become eligible to reenroll; and

(iii) Persons enrolling in subsidized BHP, who had enrolled and subsequently disenrolled from nonsubsidized BHP under subsection (1) or (2)(b) of this section while waiting on a reservation list for subsidized coverage.

(iv) Enrollees who were disenrolled by BHP because no MHCS was contracted to serve the program in which they were enrolled in the geographic area where they live; these enrollees may re-enroll if a MHCS begins accepting enrollment for their program in their area or if they become eligible and apply for another BHP program.

(b) An enrollee who is required to wait twelve months for reenrollment under (a) of this subsection and who has been waiting on a reservation list for subsidized BHP may not reenroll prior to the end of the required twelve-month wait. If the enrollee satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.

#### WSR 99-18-054

#### EMERGENCY RULES

#### DEPARTMENT OF FISH AND WILDLIFE

[Order 99-138—Filed August 27, 1999, 2:34 p.m., effective August 30, 1999, 12:01 a.m.]

Date of Adoption: August 27, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-25500K; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The annual catch quota for halibut will have been taken in Catch Record Card Area 1. The regulation is necessary to maintain consistency between federal and state 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: August 30, 1999, 12:01 a.m.

August 27, 1999  
 Jeff P. Koenings  
 Director  
 by Larry Peck

**NEW SECTION**

**WAC 220-56-25500L Halibut—Seasons—Daily limits.** Notwithstanding the provisions of WAC 220-56-235, effective 12:01 a.m. August 30, 1999, until further notice it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Area 2:

(a) Waters south of the Queets River, north of 47°N and east of 124°40'W: Open until further notice. The daily limit is one halibut.

(b) All other open waters in Area 2: Closed until further notice.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 29, 1999:

WAC 220-56-25500K Halibut—Seasons—Daily limits. (99-93)

**WSR 99-18-055  
 EMERGENCY RULES  
 DEPARTMENT OF  
 FISH AND WILDLIFE**

[Order 99-139—Filed August 27, 1999, 2:37 p.m., effective August 30, 1999, 12:01 a.m.]

Date of Adoption: August 27, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-160.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvest of chinook salmon in the Buoy 10 area is projected to be much greater than pre-season plans. The 1999 fall management agreement that was signed by the parties to *U.S. v Oregon* states that all non-Indian fisheries must remain under certain harvest limitations on listed Snake River wild fall chinook. The closure to chinook retention is necessary to remain within ESA limits, and to allow future fall chinook fisheries to occur above the estuary. Action is consistent with provisions of the ESA, the 1999 fall management agreement, and conforms Washington and Oregon regulations in concurrent waters. There is insufficient time to promulgate permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 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 30, 1999, 12:01 a.m.

August 27, 1999  
 Jeff P. Koenings  
 Director  
 by Larry Peck

**NEW SECTION**

**WAC 220-57-16000T Columbia River.** Notwithstanding the provisions of WAC 220-57-160:

(1) Effective 12:01 a.m. August 30, 1999 until further notice, it is unlawful to retain chinook in those waters of the Columbia River from the Buoy 10 line upstream to a line from the navigation light at Grays Point on the Washington

EMERGENCY



bank through red buoy 44 to the navigation light at Tongue Point on the Oregon bank.

(2) Effective 12:01 a.m. August 30, 1999, it is unlawful to angle in the Columbia River between the Buoy 10 line and a line from Grays Point to Tongue Point while in possession of a chinook salmon.

**WSR 99-18-058**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-141—Filed August 27, 1999, 4:56 p.m., effective August 30, 1999, 7:00 a.m.]

Date of Adoption: August 27, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-42800A; and amending WAC 220-47-428.

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, recommended by the North of Falcon subgroup of the North Pacific Fishery Management Council, have already been adopted by the expedited rule-making process. However, one rule contained in the package filed under the expedited rule-making process, mandatory use of a brailer or dip net to remove catch from purse seine nets, has been challenged and prevents other rules in the package from taking effect. Beach seine seasons are not contested, and it is necessary to enact an emergency rule to establish open dates for this fishery. There is insufficient time to adopt 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: August 30, 1999, 7:00 a.m.

August 27, 1999  
Sara G. LaBorde  
for Jeff P. Koenings  
Director

NEW SECTION

**WAC 220-47-42800A Beach seine — Open periods.** Notwithstanding the provisions of WAC 220-47-428, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods and hours provided herein:

<u>Area</u>	<u>Time</u>	<u>Dates open to beach seine fishing</u>
12A	7AM-7PM	August 30, August 31, September 1, September 2, September 3, September 6, September 7, September 8, September 9, September 10, September 13, September 14, September 15, September 16, September 17, September 20, September 21, September 22, September 23, September 24, September 27, September 28, September 29, September 30, October 1, October 4, October 5, October 6, October 7, October 8, October 11, October 12, October 13, October 14, October 15.

All other areas Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:01 p.m. October 15, 1999:

WAC 220-47-42800A Beach seine—Open periods

**WSR 99-18-064**  
**EMERGENCY RULES**  
**STATE BOARD OF EDUCATION**

[Filed August 30, 1999, 3:31 p.m.]

Date of Adoption: August 20, 1999.

Purpose: To qualify the right of students to question and confront witnesses by recognizing exceptions thereto.

Citation of Existing Rules Affected by this Order: Amending WAC 180-40-270 (2)(c), 180-40-285 (2)(c), 180-40-305 (2)(c), and 180-40-315 (2)(a)(ii).

Statutory Authority for Adoption: RCW 28A.305.160.

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 current rules do not recognize that there are valid exceptions to the exercise of any right to cross-examine witnesses and therefore impede the efficient and effective administration of student discipline in those

cases involving valid exceptions; and the matter is in need of immediate clarification in light of the disruptive effects of the Appellate Court's decision in the Stone v. Prosser School District case and the imminent commencement of the 1999-2000 school year.

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 4, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

August 27, 1999

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

**WAC 180-40-270 Long-term suspension—Prehearing and hearing process.** (1) If a request for a hearing is received pursuant to WAC 180-40-265 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form or corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

**AMENDATORY SECTION** (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

**WAC 180-40-285 Expulsion—Prehearing and hearing process.** (1) If a request for a hearing is received pursuant to WAC 180-40-280 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

**AMENDATORY SECTION** (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

**WAC 180-40-305 Emergency expulsion—Prehearing and hearing process.** (1) If a request for a hearing within the required ten school business days is received pursuant to WAC 180-40-300, the school district shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or

a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

**AMENDATORY SECTION** (Amending WSR 96-15-098, filed 7/22/96, effective 8/22/96)

**WAC 180-40-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures.** (1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC 180-40-310(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(A) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(B) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness.

(iii) Present his or her explanation of the alleged misconduct, and

(iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

**WSR 99-18-090**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-137—Filed August 31, 1999, 4:49 p.m., effective September 1, 1999, 12:01 a.m.]

Date of Adoption: August 31, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-19000X, 220-56-19100K, 220-56-11500C, 220-56-12400F, 220-56-19500E, 220-57-38000A, 220-57-40500B and 220-57-43000I; 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: This rule opens Catch Record Card Areas 1 and 2 seven days a week for recreational salmon fishing. This rule is consistent with recommendations of the Pacific Fisheries Management Council. There is insufficient time to promulgate permanent rules. The package of permanent regulations for these fisheries will be effective and repeal of these emergency rules will prevent confusion of dual regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 1999, 12:01 a.m.  
August 31, 1999  
Jeff P. Koenings  
Director  
by Larry Peck

**NEW SECTION**

**WAC 220-56-19000A Coastal salmon seasons.** Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. September 1, 1999, until further notice it is unlawful to fish for salmon for personal use from Catch Record Card Areas 1 through 4 except as provided in this section:

(1) Areas 1 - Open until further notice. Daily limit of 2 salmon not more than one of which may be a chinook salmon and release wild coho. Columbia River Mouth Control Zone closed.

(2) Area 2 - Open until further notice. Daily limit of 2 salmon not more than one of which may be a chinook salmon and release wild coho. Except closed 0-3 miles offshore immediately through September 30, 1999.

(3) Area 2-2 west of the Buoy 13 line - Closed until further notice.

(4) Area 3 - Open until further notice. Daily limit 2 salmon except release wild coho.

(5) Area 4 - Open until further notice. Daily limit 2 salmon except release chinook and wild coho.

**REPEALER**

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. September 1, 1999:

WAC 220-56-19000X	Coastal salmon seasons. (99-101)
WAC 220-56-19100K	Puget Sound salmon seasons. (99-111)
WAC 220-56-11500C	Angling gear. (99-110)
WAC 220-56-12400F	Hoodspport hatchery. (99-110)
WAC 220-56-19500E	Closed areas—Saltwater salmon angling. (99-110)
WAC 220-57-38000A	Quilcene (Big Quilcene) River. (99-110)
WAC 220-57-40500B	Samish River. (99-110)
WAC 220-57-43000I	Skokomish River. (99-110)

**WSR 99-18-091**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-135—Filed August 31, 1999, 4:56 p.m., effective September 1, 1999, 12:01 a.m.]

Date of Adoption: August 31, 1999.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Q; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is needed to maintain the intent of the regulation to provide an orderly salmon fishery for juveniles. 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, 1999, 12:01 a.m.  
 August 30, 1999

Jeff P. Koenings  
 Director  
 by Larry Peck

**NEW SECTION**

**WAC 232-28-61900Q Exceptions to statewide game fish rules—Soos Creek (King County).** Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. September 1 through October 31, 1999, juveniles only in those waters of Soos Creek (King County) from its mouth upstream to the concrete bridge near the hatchery residence. Only one single hook may be used.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. October 31, 1999:

**WAC 232-28-61900Q** Exceptions to statewide game fish rules—Soos Creek (King County).

**WSR 99-18-092**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 99-140—Filed August 31, 1999, 4:56 p.m., effective September 6, 1999, 12:01 a.m.]

Date of Adoption: August 31, 1999.

Purpose: Commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-073.

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 amounts of green sea urchins are available in Districts 3 and 4. Two divers are allowed when a vessel is designated on two licenses, consistent with SB 5658 passed by the 1999 legislature. 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 6, 1999, 12:01 a.m.  
 August 31, 1999

Jeff P. Koenings  
 Director  
 by Larry Peck

**NEW SECTION**

**WAC 220-52-07300L Sea urchins** Notwithstanding the provisions of WAC 220-52-073, effective 12:01 a.m.

September 6, 1999 until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 3 and 4 are open on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays of each week. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(2) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvest operation or when commercial quantities of sea cucumbers are aboard, except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

### WSR 99-18-096

#### EMERGENCY RULES

### DEPARTMENT OF TRANSPORTATION

[Order 194—Filed September 1, 1999, 8:36 a.m.]

Date of Adoption: August 31, 1999.

Purpose: Defines new "permit fee" and "certification process" by incorporating into chapter 468-66 WAC the provisions of SB 5832 of the 56th legislature, 1999 regular session. Amends additional sections of chapter 468-66 WAC to clarify provisions of existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 468-66-030, 468-66-050, 468-66-070, 468-66-110, and 468-66-140.

Statutory Authority for Adoption: Chapter 34.05 RCW and RCW 47.42.060.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Emergency rule needed to implement section 1 of SB 5382 of the 56th legislature, 1999 regular session, to include a fee schedule for advertising signs requiring a permit.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, 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 31, 1999

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 170, filed 8/7/97, effective 9/7/97)

**WAC 468-66-030 General provisions.** Notwithstanding any other provision of the act or these regulations, no signs visible from the main-traveled way of the interstate system, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

(1) Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the location of such activities.

(2) Illegal, destroyed, abandoned, discontinued or obsolete signs.

(3) Signs that are not clean and in good repair.

(4) Signs that are not securely affixed to a substantial structure.

(5) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.

(6) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(7) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights (except those signs giving public service information).

(8) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(9) Signs which move or have any animated or moving parts (except revolving signs giving public service information).

(10) Signs which are erected or maintained upon trees, power poles or painted or drawn upon rocks or other natural features.

(11) Signs which exceed twenty feet in length, width or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except:

(a) Larger signs as permitted within commercial and industrial areas adjacent to the primary system pursuant to RCW 47.42.062; and

(b) Type 3 signs not more than fifty feet from the advertised activity; and

(c) Single on-premise signs advertising shopping centers, malls, and business combinations as described in WAC 468-66-070(3); and

(d) Type 8 signs shall not exceed thirty-two square feet in area, unless they qualify as Type 3 (on-premise) signs.

(12) Electronic signs may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information.

(a) Advertising messages may contain words, phrases, sentences, symbols, trade-marks, and logos. A single message or a segment of a message must have a display time of at least two seconds including the time to move onto the sign board, with all segments of the total message to be displayed

within ten seconds. A message consisting of only one segment may remain on the sign board as long as desired.

(b) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(c) Displays traveling horizontally across the sign board must move between sixteen and thirty-two light columns per second. Displays can scroll onto the sign board but must hold for two seconds including scrolling.

(d) Sign displays shall not include any art animations or graphics that portray motion, except for movement of graphics onto or off of the sign board as previously described.

(e) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be too bright shall be adjusted in accordance with the instructions of the department.

(f) As on-premise signs, electronic signs are subject to the provisions of RCW 47.42.045 and 47.42.062.

(13) Tri-vision signs may be used as Type 3, Type 4, or Type 5 signs, with the following provisions:

(a) Visible to Interstate highways, tri-vision signs may only be used as Type 3 signs.

(b) Rotation of one sign face to another sign face is no more frequent than every eight seconds and the actual rotation process shall be accomplished in four seconds or less.

(c) Tri-vision signs shall contain a default mechanism that will stop the sign in one position should a malfunction occur.

(d) Maximum size limitations shall independently apply to each sign face, including framework and border.

(e) Tri-vision signs are subject to all other applicable provisions of chapter 47.42 RCW and chapter 468-66 WAC.

**AMENDATORY SECTION** (Amending Order 144, filed 5/27/94, effective 6/27/94)

**WAC 468-66-050 Classification of signs.** Signs shall be classified as follows:

(1) Type 1—Directional or other official signs or notices.

(a) Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(b) Service club and religious notices, whose message shall contain only the name of a nonprofit service club or religious organization, its address and the time of its meeting or service.

(2) Type 2—For sale or lease sign. A sign not prohibited by state law which is consistent with the applicable provisions of these regulations and which only advertises the sale or lease (~~only~~) of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease, or the owner's agent and phone number shall not be displayed more conspicuously than the words "for sale" or "for lease." No other message may be displayed on

the sign. Not more than one such sign advertising the sale or lease of a parcel of property shall be (~~permitted in such manner as to be~~) visible to traffic proceeding in any one direction on an interstate system, primary system or scenic system highway.

(3) Type 3—On-premise sign.

(a) A sign advertising an activity conducted on the property on which the sign is located. The sign, except as provided under (b) of this subsection, shall be limited to identifying the establishment or the principal or accessory products or services offered on the property. A sign consisting principally of a brand name, trade name, product, or service incidental to the principal products or services offered on the property, or bringing rental income to the property owner, is not considered an on-premise sign. Not more than one such sign, visible to traffic proceeding in any one direction on an interstate system, primary system, or scenic system highway may be permitted more than fifty feet from the advertised activity.

(b) Temporary political campaign signs are a Type 3 on-premise sign, on which the property owner expresses endorsement of a political candidate or ballot issue, with the following restrictions:

(i) Temporary political campaign signs are limited to a maximum size of thirty-two square feet in area.

(ii) Temporary political campaign signs must be removed within ten days after the election.

(iii) Except as provided in (b)(i) and (ii) of this subsection, temporary political campaign signs are subject to all other applicable provisions of chapter 47.42 RCW and chapter 468-66 WAC that pertain to Type 3 on-premise signs.

(c) Signs reading "future site of" or similar wording will be allowed as an on-premise sign without any activity being apparent on the site for one year from date of installation provided the following conditions have been met:

(i) The department of transportation has received a letter of notification of intent from the owner of the proposed advertised activity.

(ii) The sign shall not inform of activities conducted elsewhere.

(iii) The maximum size of a future site sign shall not be greater than one hundred fifty square feet.

The sign must be removed at the end of the one year time period if the advertised activity has not become operational.

(4) Type 4—Signs within twelve air miles of advertised activities. Signs not prohibited by state law which are consistent with the applicable provisions of these regulations and which advertise activities conducted within twelve air miles of such signs.

(5) Type 5—Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by state law which are consistent with these regulations and which are designed to give information in the specific interest of the traveling public.

(6) Type 6—Signs lawfully in existence on October 22, 1965, determined by the department of transportation, subject to the approval of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the

preservation of which would be consistent with the purposes of chapter 47.42 RCW.

(7) Type 7—Public service signs located on school bus stop shelters, which:

(a) Identify the donor, sponsor or contributor of said shelters;

(b) Contain safety slogans or messages which do not pertain to the donor and occupy not less than sixty percent of the area of the signs. In addition to this area limitation the donor identification portion of the sign may not appear more prominently than the safety slogan message;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, off the state highway right of way. School bus shelters shall not exceed 10 feet in length, 10 feet in width or 8 feet in height and shall be constructed with the upper 4 feet of the sides perpendicular to the roadway being occupied by the sign. The remainder is to be constructed of a see through nature. No school bus shelter shall be located along fully controlled access highways as specifically referenced in WAC 468-58-030;

(e) Do not exceed 32 square feet in area. Not more than one sign on each shelter may face in any one direction. The sign shall not protrude above the roof line or beyond the sides of the shelter;

(f) Signs erected pursuant to a permit issued by the department of transportation as provided in RCW 47.42.120 and 47.42.130 and the regulations issued thereunder. A permit shall be required for each individual sign face.

(8) Type 8—Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise (Type 3) sign;

(c) Signs shall not be placed within an incorporated city or town, but may be placed in unzoned areas and areas zoned for agricultural, commercial, and industrial activities;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections, or restrict the visibility of other authorized signs;

(f) The minimum spacing between sign structures shall be three hundred feet. For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure (spacing is independent of off-premise (Type 4 and Type 5) signs).

**AMENDATORY SECTION** (Amending Order 55, filed 4/18/80)

**WAC 468-66-070 On-premise signs (Type 3).** (1) Not more than one Type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area,

or scenic system highway may be permitted more than fifty feet from the advertised activity. The entire sign installation shall be located within the fifty foot distance.

(2) For the purpose of measuring from the "advertised activity" the distance shall be measured from the sign to the nearest portion of that building, storage, or other structure or processing area, which is the most regularly used and essential to the conduct of the activity.

(3) For signs advertising shopping centers, malls and business combinations, the distance from the "advertised activity" may be measured from the nearest portion of a combined parking area (~~may be considered as part of that activity~~) for purposes of allowing a single (~~individual~~) on-premise sign(~~(:)~~).

(a) In the event that a shopping center, mall or business combination does erect a single (~~individual~~) on-premise sign as permitted herein, such sign may identify each of the individual businesses conducted upon the premises, and may include a single display area such as a manually changeable copy panel, reader board or electronically changeable message center for advertising on-premise activities.

(b) Individual business signs in such a center, mall or combination area are not permissible more than fifty feet from the individual activity.

~~((3))~~ (4) A Type 3 sign permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the edge of the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(c) Fifty feet from any outside edge of a regularly used parking lot maintained by and contiguous to the advertised activity.

~~((4))~~ (5) One Type 3 sign in each direction, not exceeding fifty square feet in area bearing only the name and a directional message, indicating the location of a business, farm, ranch or orchard may be allowed on such premises that were in existence on June 25, 1976, provided that the following conditions exist:

(a) No other Type 3 signs legible from the main traveled lanes of the highway are maintained.

(b) The sign is located on property abutting the highway where ownership or unrestricted lease is contiguous to and includes the advertised activity and not on a strip or parcel of land deemed by the department of transportation to be acquired for the sole purpose of outdoor advertising.

**AMENDATORY SECTION** (Amending Order 96, filed 8/12/85)

**WAC 468-66-110 Signs within commercial and industrial areas of primary system.** Signs visible from the main-traveled way of the primary system within commercial and industrial areas whose size and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected



and maintained: Provided, That nothing in this section shall restrict Type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: Provided, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(2) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two sign structures shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, ~~(and)~~ signs advertising activities conducted on the property on which they are located (Type 2 and Type 3 signs), public service signs on school bus stop shelters (Type 7 signs), and temporary agricultural directional signs (Type 8 signs) shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

AMENDATORY SECTION (Amending Order 130, filed 4/10/92, effective 5/11/92)

**WAC 468-66-140 Permits.** (1) No signs except Type 1, Type 2, or Type 3 signs shall be erected or maintained adjacent to interstate system, primary system, or scenic system highways without a permit issued by the department of transportation. Permits for erection and maintenance of signs adjacent to the interstate system, primary system, or scenic system will be issued by the department of transportation in accordance with this chapter.

(2) Applications for permits (except for Type 8 signs) will be accepted only at the Department of Transportation (~~Headquarters Office~~) Service Center, Olympia, Washington. Applications transmitted by mail shall be effective from date of receipt rather than of mailing.

(3) Application forms shall contain:

(a) The name and address of the owner of the sign;

(b) A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained indicating that he has consented thereto;

(c) A statement of the precise location where the sign is to be erected or maintained;

(d) A statement of the proposed size and shape of the sign. An application for a Type 5 sign to be erected along the interstate system shall contain a description of the copy to be placed on the sign;

(e) Such other information as may be required by the department;

(f) For Type 8 signs, application forms accompanied by a fee of fifty dollars for each sign face must be submitted to the appropriate department of transportation (~~district~~) region office and submittals must include, in addition to (a) through (e) of this subsection, an exact description of the location of the temporary agricultural business activity, a description of the proposed sign copy, identification of the products sold, expected weeks/months of sales, and assigned tax number. After approval of the application by the transportation district office, the sign may be erected at the beginning of the sale season and must be removed at the end of the sale season. Approved applications shall be valid for five consecutive years from the date of application approval. A new application must be submitted and approved prior to erection of a sign at a location where the five-year validation has expired.

For any Type 8 sign not in compliance with this chapter, the department of transportation shall request the attorney general on its behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without payment of compensation.

Subsections ~~((5))~~ (4) through ~~((10))~~ (8) of this section do not apply to Type 8 signs.

(4) Applications shall be accompanied by a fee of ~~((ten))~~ three hundred dollars for each sign structure.

(5) Permits shall be for the remainder of the calendar year in which they are issued, and ~~((shall be renewed annually upon payment of said fee for the new year without the filing of a new application.))~~ accompanying fees shall not be prorated for fractions of the year. Permits are renewed annually through the following certification process:

~~((6))~~ (a) Prior to ~~((December))~~ January 1 of each year the department of transportation shall ~~((notify in writing))~~ request, through the use of a standard form, permit renewal certification from the owner of every sign for which a permit has been issued under RCW 47.42.120 and this section~~((, that the renewal fee for such sign due in the calendar year to commence on the following January 1 shall be due and payable))~~. In order to renew the permit, the sign owner shall certify by signature that all sign permits are active and the signs are currently maintained and in good condition. The completed permit renewal form shall be returned to the department not later than the following February 1. The ~~((notice))~~ permit renewal form shall further state that if ~~((such fee))~~ the required certification has not been ~~((paid))~~ received by February 1, legal proceedings will be initiated to cause removal of such sign as an illegally maintained sign.

~~((7))~~ (b) Following the ~~((notice))~~ request for certification specified in (a) of this subsection ~~((6 of this section))~~, if the due ~~((renewal fee))~~ certification is not received for any permitted sign by the date specified, the department of transportation shall request the attorney general on its behalf to initiate legal proceedings to cause such sign to be removed as an illegal sign without the payment of compensation therefor.

~~((8))~~ (6) Changes in size, shape, or position of a permitted sign shall be reported to the department of transportation at Olympia at least ten days before a change is to be made. In the case of Type 5 signs permitted along the interstate system, changes in copy shall be reported to the department at Olympia at least ten days before a change is to be made.

~~((9))~~ (7) Assignment of permits in good standing shall be effective only upon receipt of assignment by the department of transportation.

~~((10))~~ (8) Every permit issued by the department shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weather-proof label, not larger than six square inches, which shall be furnished by the department and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign.

~~((11))~~ (9) A permit issued under this chapter does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

**WSR 99-18-001**  
**AGENDA**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 18, 1999, 12:17 p.m.]

**Washington State**  
**Department of Agriculture -**  
**Semi-Annual Rules Agenda**

Chapter	Subject/Contact Person	Purpose of Rule Making	Approximate CR-101 Filing Date	Approximate Adoption Date
New Rules	Purple Nutsedge Contact: Mary Toohey, Assistant Director, (360) 902-1907	Add purple nutsedge to list of noxious weeds	January 1999	August 1999
WAC 16-101	Civil Penalties -Substandard products. Contact: Verne Hedlund, Program Manager, (360) 902-1860	Expedited repeal of outdated rules.	June 1999	August 1999
WAC 16-101X	Penalties - Degrades for dairy producers and processors Contact: Claudia Coles, Compliance, (360) 902-1883	Correct inconsistencies in current rule language	April 1999	December 1999
WAC 16-147	Sanitary Certificates Contact: Verne Hedlund, Program Manager, (360) 902-1860	Criteria for issuing sanitary certificates to dairy processing establishments.	June 1999	January 2000
WAC 16-154	Organic crop production standards Contact: Miles McEvoy, Program Manager, (360) 902-1924	Update rules to incorporate national food standards.	July 1999	January 2000
WAC 16-160	Organic crop production materials. Contact: Miles McEvoy, Program Manager (360) 902-1924	Update criteria and process for approving materials for organic food production.	July 1999	January 2000
WAC 16-200	Commercial Fertilizers Contact: Tex Maxwell, Program Manager, (360) 902-2026	Registrants providing maximum application rates to the department.	November 1998	April 1999
WAC 16-201	Secondary containment of bulk storage fertilizers Contact: Cliff Weed, Program Manager, (360) 902-2036	Possible amendments for greater clarity and to consider additional exemptions from containment requirements	March 1999	March 2000
WAC 16-213	Miscellaneous Agricultural Commodity Inspection Standards Contact: Robert Gore, Assistant Director, (360) 902-1827	Rules review - reorganize and update rules	June 1999	December 1999

MISC.

Chapter	Subject/Contact Person	Purpose of Rule Making	Approximate CR-101 Filing Date	Approximate Adoption Date
WAC 16-228	General rules relating to pesticide use Contact: Cliff Weed, Program Manager, (360) 902-2036	Updating and house-cleaning of rules.	June 1999	June 2000
WAC 16-228	Pesticide Penalty Matrix Contact: Cliff Weed, Program Manager, (360) 902-2036	Update rules on assessing penalties	May 1999	May 2000
WAC 16-229	Secondary containment of bulk storage pesticides Contact: Cliff Weed, Program Manager, (360) 902-2036	Possible amendments for greater clarity and to consider additional exemptions from containment requirements	March 1999	March 2000
WAC 16-234 WAC 16-212 WAC 16-224	Negotiable Warehouse Receipts Grain, Hay, Beans and Peas-Inspection Fees Designation of Warehouse Stations Contact: Don Michelbrook, Program Manager, (360) 533-2488	Updating rules	April 1999	November 1999
WAC 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-319, 16-321, 16-493, 16-494, 16-495	Seed Certification Rules Contact: Graydon Robinson, Program Manager, (509) 575-2750	Rules review - rewrite in clear and concise format, consolidate and update rules.	May 1999	December 1999
WAC 16-304	Seed Assessment Contact: Graydon Robinson, Program Manager, (509) 575-2750	Update to current practices	February 1999	August 1999
WAC 16-322	Mint Rootstock Certification Contact: Tom Wessels, Program Manager, (360) 902-2094	Amendments due to changes in industry practices, environmental conditions and program needs.	January 1999	June 1999
WAC 16-333	Caneberries: Contact: Mary Toohey, Assistant Director, (360) 902-1907	Rules review - house-keeping changes	April 1999	July 2000
WAC 16-445	Standards for Prunes Contact: Jim Quigley, Program Manager, (360) 902-1833	Rules review - repeal outdated sections	April 1999	October 1999
WAC 16-448	Standards for Potatoes Contact: Jim Quigley, Program Manager, (360) 902-1833	Rules review - repeal outdated sections	April 1999	October 1999

Chapter	Subject/Contact Person	Purpose of Rule Making	Approximate CR-101 Filing Date	Approximate Adoption Date
WAC 16-470	Quarantine Pests - Apple Maggot Contact: Linda Polzin, Program Manager, (360) 902-2094	Clarify restrictions on movement of fruit	January 1999	December 2000
WAC 16-481	Grape Phylloxera Contact: Tom Wessels, Program Manager, (360) 902-2094	Amendments to comply with new international mandated standards	January 1999	December 2000
WAC 16-483	Grape Virus Quarantine Contact: Tom Wessels, Program Manager, (360) 902-2094	Amendments to comply with new international standards	January 1999	December 2000
WAC 16-495 WAC 16-493 WAC 16-316	Annual Bluegrass, Rough Bluegrass and Seed Certification Standards Contact: Graydon Robinson, Program Manager, (509) 575-2750	Isolation limits and other updates to reflect industry changes	February 1999	August 1999
WAC 16-607	Heritage Brands Contact: Julie Sandberg, Assistant Director, (360) 902-1851	Permanent renewal of brands.	March 1999	September 1999
WAC 16-74	Livestock Testing—Duties of Owners Contact: Dr. Kathleen Connell, Assistant State Veterinarian, (360) 902-1878	Modernize language and add definitions	November 1998	April 2000
WAC 16-752	Yellow Nutsedge Contact: Mary Toohey, Assistant Director, (360) 902-1907	Update rules	March 1999	December 2000
WAC 16-80	Pseudorabies in Swine Contact: Dr. Kathleen Connell, Assistant State Veterinarian, (360) 902-1878	Clarify and modernize language	November 1998	April 2000

For more information contact Dannie McQueen, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1809.

William E. Brookreson  
Deputy Director

**WSR 99-18-006**  
**NOTICE OF PUBLIC MEETINGS**  
**PIERCE COLLEGE**  
[Memorandum—August 1, 1999]

The board of trustees of Community College District Number Eleven (Pierce College) would like to announce a **special board meeting**. This meeting is to allow the trustees to hear from college administrators about the 1999-2000 operating budget.

MISC.

<u>Meeting Date/Location</u>	<u>Time</u>
<b>Monday, August 16, 1999</b>	10 a.m.
Room A100	
Pierce College at Puyallup	
1601 39th Avenue S.E.	
Puyallup, WA 98374	

**WSR 99-18-007**

**NOTICE OF PUBLIC MEETINGS  
CENTRALIA COLLEGE**  
[Memorandum—August 18, 1999]

This is to notify you that the Community College District Twelve board of trustees has changed the date of their regular meeting originally scheduled for September 9, 1999, to September 16, 1999, due to a lack of quorum on September 9, 1999.

In addition, their November 18, 1999, meeting will be held at the Washington Corrections Center in the Training Room instead of in the Boardroom at Centralia College.

**WSR 99-18-011**

**INTERPRETIVE AND POLICY STATEMENT  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**  
(Securities Division)  
[Filed August 19, 1999, 3:17 p.m.]

**Descriptive Statement Pursuant to RCW 34.05.230(4)**

Subject: Franchise Act Policy Statements FPS-6. Franchise Offerings on the Internet.

To receive a copy of FPS-6, please contact Bill Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, voice (360) 902-8723, fax (360) 704-6923, e-mail bbeatty@dfi.wa.gov.

William M. Beatty  
Senior Registration Counsel

**WSR 99-18-013**

**NOTICE OF PUBLIC MEETINGS  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**  
[Memorandum—August 19, 1999]

The Workforce Training and Education Coordinating Board will be holding an additional meeting on October 12, 1999, at Bates Vocational Technical Institute, Tacoma, Washington, from 8:30 a.m. to 4:30 p.m.

If you have any questions, please call (360) 753-5677.

**WSR 99-18-014**

**INTERPRETIVE AND POLICY STATEMENT  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed August 20, 1999, 8:48 a.m.]

In accordance with RCW 34.05.230(12), the following policies and interpretive statements were recently issued by the department.

**WISHA Services Division:**

**WISHA Interim Operations Memorandum #99-4-A, "Asbestos-Containing Asphalt Roof Cements, Coatings and Mastics,"** enacts a stay in enforcement of WAC 296-62-077 and WAC 296-65 as applied to construction and shipyard work involving asbestos-containing asphalt roof cements, coatings and mastics. This memo takes effect immediately and will remain in effect until repealed or until final action on the proposed changes to the asbestos standard has been completed. (Issued April 26, 1999)

**WISHA Interim Operations Memorandum #99-4-B, "Head Protection While Using ATVs and Motorcycles,"** provides guidance to WISHA enforcement and consultation staff regarding the enforcement of manufacturers' recommendations and general requirements for personal protective equipment related to adequate head protection. (Issued April 26, 1999)

Contact: Marcia Benn, Mailstop 4-4648, (360) 902-5503, Dr. Michael Silverstein, Assistant Director.

**Insurance Services Division:**

**Insurance Services Policy #5.11, "Applying the Three-Day Waiting Period to Graveyard Shifts,"** gives guidance for paying time-loss compensation for graveyard shift workers. (Issued June 1, 1999)

**Insurance Services Policy #5.12, "Paying Time-Loss Compensation When Employer Also Pays Worker,"** gives guidelines for paying time-loss compensation when the employer provides certain types of compensation. (Issued June 1, 1999)

**Insurance Services Policy #6.43, "Adjudicating a Formal Job Offer from the Employer of Record,"** gives guidelines to the adjudicator in how to respond to a job offer. (Issued June 1, 1999)

**Insurance Services Policy #61.04, "Processing Applications for Elective Coverage,"** gives guidelines for processing applications for elective coverage for excluded or exempted employments. (Issued June 1, 1999)

**Insurance Services Policy #61.07, "Apprentices or Trainees Registered with the Apprenticeship Council,"** gives guidelines regarding apprentices and trainees. (Issued June 1, 1999)

**Insurance Services Policy #61.13, "Officials Employed at Amateur Athletic Events,"** gives guidelines for coverage

MISC.

for officials employed at amateur athletic events. (Issued June 1, 1999)

**Insurance Services Policy #61.19, "Community Service Workers,"** explains coverage for offenders performing community service. (Issued June 1, 1999)

**Insurance Services Policy #61.20, "Industrial Insurance Coverage for Athletes and Athletic Teams,"** explains coverage for professional, semi-professional and amateur athletes and athletic teams. (Issued June 1, 1999)

**Insurance Services Policy #61.62, "Determining Extraterritorial Coverage,"** gives guidelines for consistency when determining if Washington Workers' Compensation or another workers' compensation plan applies. (Issued June 1, 1999)

**Insurance Services Policy #63.03, "Sale of Business & Transfer of Past Experience Rating,"** gives guidelines for determining that a transfer of past experience must be made due to the sale of a business. (Issued June 1, 1999)

Contact Linda Norris, Mailstop 4-4310, (360) 902-4999, Douglas Connell, Assistant Director.

Doric Olson  
Legislative and  
Governmental Affairs Office

**WSR 99-18-018**  
NOTICE OF PUBLIC MEETINGS  
**SKAGIT VALLEY COLLEGE**

[Memorandum—August 20, 1999]

NOTICE OF SPECIAL MEETING  
BOARD OF TRUSTEES  
COMMUNITY COLLEGE DISTRICT NO. 4  
SKAGIT VALLEY COLLEGE

Chairperson, Katie Philbrick, has called a special meeting of the board of trustees for **Tuesday, August 24, 1999, 1:00 p.m. in the Board Room of the Mount Vernon Campus, Skagit Valley College, 2405 East College Way, Mount Vernon, WA 98273.** This meeting is being held as a work session for the board of trustees. The board of trustees may adjourn to executive session after the open portion of the meeting, if deemed necessary.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and Braille or taped information for blind individuals can be provided when adequate notice is given to the President's office at the college.

**WSR 99-18-022**  
NOTICE OF PUBLIC MEETINGS  
**WASHINGTON STATE LIBRARY**  
(Library Commission)  
[Memorandum—August 18, 1999]

The Washington State Library Commission will hold its quarterly meeting on September 14, 1999, in the John A. Cherberg Building, Conference Room A. The meeting will begin at 9:00 a.m. and continue until business is completed.

For additional information, call (360) 753-2914, or fax (360) 586-7575.

**WSR 99-18-025**  
NOTICE OF PUBLIC MEETINGS  
**BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—August 24, 1999]

The regular meeting of the Bellingham Technical College board of trustees scheduled for September 16, 1999, has been canceled. Call 738-3105 ext. 334 for information.

**WSR 99-18-036**  
NOTICE OF PUBLIC MEETINGS  
**DEPARTMENT OF  
NATURAL RESOURCES**  
(Forest Fire Advisory Board)  
[Memorandum—August 25, 1999]

The Forest Fire Advisory Board members will be holding their next meeting on Thursday, September 30, 1999, at 9:30 in Room 432, in the Natural Resources Building, at 1111 Washington Street.

If you have any questions, please feel free to contact (360) 902-1308.

**WSR 99-18-038**  
INTERPRETIVE AND POLICY STATEMENT  
**INSURANCE COMMISSIONER'S OFFICE**  
[Filed August 25, 1999, 3:42 p.m.]

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(Corrected)  
Technical Assistance Advisory

Attn: Health-care carriers.

Subject: Application of RCW 48.43.115.

RCW 48.43.115, otherwise known as the Erin Act, does recognize the role of healthcare providers as the appropriate authority to determine and establish the delivery of quality healthcare services to maternity patients and their newly born children. RCW 48.43.115 (3)(a) through (e) allows for such decisions on delivery and quality of healthcare services to be made by the attending provider, in consultation with the mother.

RCW 48.43.115 (3)(f) provides that when the mother's coverage plan has maternity benefits, the newborn will receive three weeks of coverage under the plan whether ultimately enrolled in the plan or not.

Some providers have taken the position that the three weeks of coverage for a newborn were contingent upon enrollment of the child in the plan and the purchase of coverage within sixty days of birth pursuant to RCW 48.44.212(2). While ultimate enrollment of the newborn for future care may be an option available to the mother, the initial three weeks of coverage of the newborn are automatic.

**WSR 99-18-049**  
**NOTICE OF PUBLIC MEETINGS**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARD**

[Memorandum—August 26, 1999]

Pursuant to RCW 36.70A.270(9) the annual joint board meeting will be held at the Senate Rules Room, Capitol Campus, 104 Legislative Building, Olympia, Washington 98504, on September 23, 1999, from 12:00 - 5:00 and on September 24, 1999, from 8:00 to 2:00.

**WSR 99-18-050**  
**NOTICE OF PUBLIC MEETINGS**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Memorandum—August 23, 1999]

At their regular meeting on June 22, 1999, the board of trustees of Community College District No. 18, Big Bend Community College, moved to change the frequency of board meetings. The board officially adopted a six-week meeting schedule, effective immediately. The first meeting based on this schedule was August 3, 1999.

**WSR 99-18-052**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed August 27, 1999, 1:35 p.m.]

Paige Wall is continuing as the rules coordinator for the Department of Social and Health Services. Her telephone number has been changed to (360) 664-6094 and her fax number has been changed to (360) 664-6185.

Marie Myerchin-Redifer  
Rules and Policies Assistance Unit

**WSR 99-18-056**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
(Library Commission)  
[Memorandum—August 18, 1999]

The Washington State Library Commission will hold its quarterly meeting on September 14, 1999, in the John A. Cherberg Building, Conference Room A. The meeting will begin at 9:00 a.m. and continue until business is completed.

For additional information, contact (360) 753-2914, or fax at (360) 586-7575.

**WSR 99-18-057**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed August 27, 1999, 4:03 p.m.]

**ADOPTION OF INTERPRETIVE STATEMENT**

**Excise Tax Advisory 2003—(Excise**  
**Advisories Cancelled Effective June 30, 1999)**

This announcement of the adoption of this interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has adopted Excise Tax Advisory 2003 (Excise Advisories Cancelled Effective June 30, 1999). This advisory lists the excise tax advisories repealed and a brief explanation as to why they were repealed. A listing of the individual ETAs repealed was published in WTD [WSR] 99-14-067.

Requests for copies of this advisory may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4281, fax (360) 664-0693.

Claire Hesselholt  
Policy Counsel

**WSR 99-18-060**  
**INSURANCE COMMISSIONER'S OFFICE**  
[Filed August 30, 1999, 10:21 a.m.]

**OFFICE OF**  
**INSURANCE COMMISSIONER**

In the Matter of the Dis- ) No. G 99 - 45 NOTICE  
claimer of Control in rela- ) CANCELING HEAR-  
tion to the Acquisition of ) ING AND TERMINAT-  
SAFECO CORPORA- ) ING PROCEEDING  
TION. )

TO: Roger Egisti, President  
SAFECO Corporation  
SAFECO Plaza  
Seattle, Washington 98185

MISC.



Philip de Toledo, Sr. Vice President  
The Capital Group Companies, Inc.  
333 Hope Street  
Los Angeles, California 90071

J. Michael Low  
Low & Childers, Inc.  
2999 North 44th Street, Suite 250  
Phoenix, Arizona 85018

John Ference, Acting Director of Insurance  
Alaska Division of Insurance  
Dept. of Commerce & Economic Dev.  
P.O. Box 110805  
Juneau, Alaska 99811-0805

David Parsons, Acting Commissioner  
Alabama Department of Insurance  
201 Monroe Street, Suite 1700  
Montgomery, Alabama 36104

Mike Pickens, Insurance Commissioner  
Arkansas Department of Insurance  
1200 West 3rd Street  
Little Rock, Arkansas 72201-1904

Chuck Cohen, Director of Insurance  
Arizona Department of Insurance  
2910 North 44th Street, Suite 210  
Phoenix, Arizona 85018-7256

Chuck Quackenbush, Insurance Commissioner  
California Department of Insurance  
300 Capitol Mall, Suite 1500  
Sacramento, California 95814

William J. Kirven, Insurance Commissioner  
Colorado Division of Insurance  
1560 Broadway, Suite 850  
Denver, Colorado 80202

George M. Reider, Jr., Insurance Commissioner  
Connecticut Department of Insurance  
P.O. Box 816  
Hartford, Connecticut 06142-0816

Reginald Berry, Acting Commissioner of Insurance  
Dept. Of Insurance & Securities Reg.  
Government of the District of Columbia  
810 First Street, N.E.  
Suite 701  
Washington, DC 20002

Donna Lee Williams, Commissioner of Insurance  
Delaware Department of Insurance  
Rodney Building  
841 Silver Lake Boulevard  
Dover, Delaware 19904

Bill Nelson, Commissioner of Insurance  
Florida Department of Insurance  
State Capitol  
Plaza Level Eleven  
Tallahassee, Florida 32399-0300

John Oxendine, Insurance Commissioner  
Georgia Department of Insurance  
2 Martin L. King, Jr. Dr.  
Floyd Memorial Bldg., 704 West Tower  
Atlanta, Georgia 30334

Wayne Metcalf, Insurance Commissioner  
Hawaii Insurance Division  
Dept. of Commerce & Consumer Affairs  
P.O. Box 3614  
Honolulu, Hawaii 96811-3614

Terri Vaughan, Insurance Commissioner  
Division of Insurance  
State of Iowa  
330 E. Maple Street  
Des Moines, Iowa 50319

Mary L. Hartung, Director of Insurance  
Idaho Department of Insurance  
700 West State Street, 3rd Floor  
Boise, Idaho 83720-0043

Nathaniel S. Shapo, Director of Insurance  
Illinois Department of Insurance  
320 West Washington St., 4th Floor  
Springfield, Illinois 62767-0001

Sally McCarty, Insurance Commissioner  
Indiana Department of Insurance  
311 W. Washington Street, Suite 300  
Indianapolis, Indiana 46204-2787

Kathleen Sebelius, Insurance Commissioner  
Kansas Department of Insurance  
420 S.W. 9th Street  
Topeka, Kansas 66612-1678

George Nichols III, Insurance Commissioner  
Kentucky Department of Insurance  
P.O. Box 517  
215 West Main Street  
Frankfort, Kentucky 40602-0517

James H. Brown, Insurance Commissioner  
Louisiana Department of Insurance  
P.O. Box 94214  
Baton Rouge, Louisiana 70804-9214

Linda Ruthardt, Insurance Commissioner  
Division of Insurance  
Commonwealth of Massachusetts  
470 Atlantic Avenue, 6th floor  
Boston, Massachusetts 02210-2223

Steven B. Larsen, Insurance Commissioner  
Maryland Insurance Administration  
525 St. Paul Place  
Baltimore, Maryland 21202-2272

Alessandro Tuppa, Superintendent of Insurance  
Maine Bureau of Insurance  
Dept. of Professional & Financial Reg.  
State Office Building, Station 34  
Augusta, Maine 04333-0034

Frank Fitzgerald, Insurance Commissioner  
Michigan Insurance Bureau  
Department of Commerce  
611 W. Ottawa Street, 2nd Floor North  
Lansing, Michigan 48933-1020

David Jennings, Insurance Commissioner  
Minnesota Department of Commerce  
133 East 7th Street  
St. Paul, Minnesota 55101

Keith Wenzel, Director of Insurance  
Missouri Department of Insurance  
301 West High Street, 6 North  
Jefferson City, Missouri 65102-690

George Dale, Insurance Commissioner  
Mississippi Insurance Department  
P.O. Box 79  
Jackson, Mississippi 39205

Mark O'Keefe, Insurance Commissioner  
Montana Department of Insurance  
126 North Sanders  
270 Mitchell Building  
Helena, Montana 59601

Jim Long, Insurance Commissioner  
North Carolina Department of Insurance  
P.O. Box 26387  
Raleigh, North Carolina 27611

Glenn Pomeroy, Insurance Commissioner  
North Dakota Department of Insurance  
600 E. Boulevard  
Bismarck, North Dakota 58505-0320

Tim Wagner, Director of Insurance  
Nebraska Department of Insurance  
Terminal Building, Suite 400  
941 'O' Street  
Lincoln, Nebraska 68508

Paula Rogers, Insurance Commissioner  
Department of Insurance  
State of New Hampshire  
56 Old Suncook Road  
Concord, New Hampshire 03301

Jayne LaVecchia, Insurance Commissioner  
New Jersey Department of Insurance  
20 West State Street CN325  
Trenton, New Jersey 08625

Michael C. Batte, Acting Superintendent of Insurance  
New Mexico Department of Insurance  
P.O. Drawer 1269  
Santa Fe, New Mexico 87504-1269

Alice Molasky-Arman, Insurance Commissioner  
Nevada Division of Insurance  
1665 Hot Springs Road, Suite 152  
Carson City, Nevada 89706-0661

Neil D. Levin, Superintendent of Insurance  
New York Department of Insurance  
25 Beaver Street  
New York, New York 10004-2319

Lee Covington, Director of Insurance  
Ohio Department of Insurance  
2100 Stella Court  
Columbus, Ohio 43215-1067

Carroll Fisher, Insurance Commissioner  
Oklahoma Department of Insurance  
3814 N. Santa Fe  
Oklahoma City, Oklahoma 73118

Mike Greenfield, Director of Insurance  
Oregon Division of Insurance  
Dept. of Consumer & Business Services  
350 Winter Street NE, Room 200  
Salem, Oregon 97310-0700

Diane Koken, Insurance Commissioner  
Pennsylvania Insurance Department  
1326 Strawberry Square, 13th Floor  
Harrisburg, Pennsylvania 17120

Alfonso E. Mastrostefano, Superintendent of Insurance  
Rhode Island Insurance Division  
Dept. of Business Regulation  
233 Richmond Street, Suite 233  
Providence, Rhode Island 02903-4233

Ernst Csiszar, Director of Insurance  
South Carolina Department of Insurance  
P.O. Box 100105  
Columbia, South Carolina 29202-3105

Darla L. Lyon, Director of Insurance  
South Dakota Division of Insurance  
Dept. of Commerce & Regulation  
118 West Capitol Avenue  
Pierre, South Dakota 57501-2000

Doug Sizemore, Insurance Commissioner  
Tennessee Department of Commerce  
& Insurance  
Volunteer Plaza  
500 James Robertson Parkway  
Nashville, Tennessee 37243-0565

Jose Montemayor, Insurance Commissioner  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

Merwin Stewart, Insurance Commissioner  
Utah Department of Insurance  
3110 State Office Building  
Salt Lake City, Utah 84114-1201

Alfred W. Gross, Insurance Commissioner  
State Corporation Commission  
Bureau of Insurance  
Commonwealth of Virginia  
P.O. Box 1157  
Richmond, Virginia 23218

Elizabeth R. Costle, Insurance Commissioner  
Vermont Division of Insurance  
Dept. of Banking, Insurance & Securities  
89 Main Street, Drawer 20  
Montpelier, Vermont 05620-3101

Connie O'Connell, Insurance Commissioner  
Office of the Commissioner of Insurance  
State of Wisconsin  
P.O. Box 7873  
Madison, Wisconsin 53707-7873

Hanley C. Clark, Insurance Commissioner  
West Virginia Department of Insurance  
P.O. Box 50540  
Charleston, West Virginia 25305-0540

John P. McBride, Insurance Commissioner  
Wyoming Department of Insurance  
Herschler Building  
122 West 25th Street, 3rd East  
Cheyenne, Wyoming 82002-0440

On August 4, 1999, notice was given of a hearing to be held on September 16, 1999, to consider all appropriate action concerning the proposed acquisition of SAFECO Corporation as described in a Disclaimer of Control filed by Capital Group Companies, Inc.

On August 19, 1999, Capital Group Companies, Inc. withdrew its Disclaimer of Control and stated the intent of Capital Group Companies, Inc. is to acquire less than 10% of the voting common stock of SAFECO Corporation.

The hearing previously scheduled for September 16, 1999 is canceled based on the withdrawal of the Disclaimer of Control by Capital Group Companies, Inc. This proceeding No. G 99-45 is terminated.

ENTERED AT OLYMPIA, WASHINGTON, this 27th day of August, 1999.

DEBORAH SENN  
Insurance Commissioner

By:

JAMES T. ODIORNE, CPA, JD  
Deputy Insurance Commissioner  
Company Supervision Division

**WSR 99-18-073**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 31, 1999, 2:49 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: 99-50 MAA Numbered Memorandum.  
Subject: Change in billing procedures for automated and nonautomated lab tests.

Effective Date: October 1, 1999.

Document Description: The Medical Assistance Administration (MAA) has revised the methodology used in calculating clinical laboratory fees in accordance with Medicare's guidelines. MAA continues to use the Medicare laboratory fee schedule as a basis for fees. **Effective October 1, 1999**, all laboratory services performed for a client by the same provider on the same day must be billed as a single claim. MAA will deny additional claims for laboratory services billed for a client by the same provider on the same day. For laboratory services that exceed the lines allowed per claim, see the following page for instructions.

To receive a copy of the interpretive or policy statement, contact Ann Myers, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 664-2314, TDD 1-800-848-5429, fax (360) 753-7315, e-mail MYERSEA@dshs.wa.gov.

August 26, 1999

Leslie Saeger

Regulatory Improvement Project Manager

**WSR 99-18-074**  
**NOTICE OF PUBLIC MEETINGS**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
[Memorandum—August 30, 1999]

The October 12, 1999, Workforce Training and Education Coordinating Board meeting date has changed to October 18, 1999, and will be held at the Association of Washington Business in Olympia instead of Bates Technical College in Tacoma, Washington from 8:30 a.m. to 4:30 p.m. If you have any questions, call (360) 753-5677.

**WSR 99-18-075**  
**NOTICE OF PUBLIC MEETINGS**  
**BATES TECHNICAL COLLEGE**  
[Memorandum—August 27, 1999]

The board of trustees of Bates Technical College has postponed its regularly scheduled meeting of September 15, 1999, to September 22, 1999.

The time and location of that meeting will remain unchanged: 3 p.m. in the Olympic/Cascade Room at Bates

Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405.

The 1999-2000 board of trustees meetings (with the exception of the September meeting) will occur on the third Wednesday of each month through July 2000. Time and location are as noted above.

### WSR 99-18-078

#### NOTICE OF PUBLIC MEETINGS GAMBLING COMMISSION

[Memorandum—August 30, 1999]

#### CHANGE OF NOVEMBER COMMISSION MEETING DATE

Due to the lack of quorum, the Washington State Gambling Commission monthly meeting scheduled for November 18 and 19, 1999, has been rescheduled to December 2 and 3, 1999.

The start times and location will remain the same and are listed below:

Thursday December 2, 1999, 1:30 p.m. and Friday, December 3, 1999, 9:30 a.m.; at the Port Ludlow Conference Center, 9483 Oak Bay Road, Port Ludlow, WA, (360) 437-2222.

### WSR 99-18-087

#### POLICY STATEMENT DEPARTMENT OF HEALTH

[Filed August 31, 1999, 4:41 p.m.]

#### NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Processing Mandatory Suspensions of Credentials, D18.03.

Issuing Entity: Health Professions Quality Assurance, Department of Health.

Subject Matter: This revises the current division policy. The policy establishes the policy and procedures for department staff to follow in suspending licenses, registrations or certifications for nonpayment of student loans or for noncompliance with a child support order.

Effective Date: July 15, 1999.

Contact Person: Linda McCue, Project Manager, Department of Health, Health Policy and Constituent Relations, P.O. Box 47860, 1300 S.E. Quince Street, Olympia, WA 98504-7860, (360) 236-4986.

### WSR 99-18-088

#### INTERPRETIVE STATEMENT DEPARTMENT OF HEALTH

[Filed August 31, 1999, 4:42 p.m.]

#### NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: "May an RN delegate the task of deep tracheal suctioning and replacement of a tracheotomy tube to an LPN

in the school setting, where the RN is not at the school at all times?"

Issuing Entity: Washington State Nursing Care Quality Assurance Commission.

Subject: The commission issued an advisory opinion in response to the request from the Kent School District.

Effective Date: July 22, 1999.

Contact Person: Jeanne E. Vincent, RN, MS, Associate Nurse Practice Manager, Department of Health, Nursing Care Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4725.

### WSR 99-18-089

#### POLICY STATEMENT DEPARTMENT OF HEALTH

[Filed August 31 1999, 4:43 p.m.]

#### NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy: Case Disposition Guidelines Policy.

Issuing Entity: Board of Nursing Home Administrators.

Subject Matter: This policy statement combines and supercedes previously adopted policies on case disposition guidelines and below threshold determination criteria. This policy provides criteria for determining fair and uniform decision and disposition of all categories of cases, complaints and reports of violations.

Effective Date: May 21, 1999.

Contact Person: Barbara A. Hayes, Program Manager, Department of Health, Board of Nursing Home Administrators, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4921, fax (360) 236-4922, Internet address bah0303@doh.wa.gov.

### WSR 99-18-095

#### NOTICE OF PUBLIC MEETINGS EDMONDS COMMUNITY COLLEGE

[Memorandum—August 31, 1999]

#### EDMONDS COMMUNITY COLLEGE

#### BOARD OF TRUSTEES

#### NOTICE OF SPECIAL MEETINGS

#### TO MEDIA/OTHER

- |                     |  |
|---------------------|--|
| September 9, 1999*  | TACTC Fall Conference, SeaTac Marriott Hotel, 3201 South 176th, Sea-Tac, 7:30 a.m. - 3:30 p.m.,  |
| September 16, 1999  | Edmonds Community College Board of Trustees Regular Board Meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 p.m. Purpose: To address routine college business issues. |
| September 20, 1999* | VIP Social: EdCC Triton Union Building, Room 202, 20200 68th Avenue West, Lynnwood, WA, 11:30 a.m. Purpose: Formal greeting of new students.   |

September 22, 1999\*

All-campus meeting - welcome, EdCC  
Triton Union Building, Room 202, 20200  
68th Avenue West, Lynnwood, WA, 8:00 -  
9:30 a.m. *Purpose: Welcome returning  
and new staff and faculty.*

tional Boulevard, Seattle, WA 98198. The meeting will  
begin at 9:00 a.m.

\* This event is being scheduled as a special meeting,  
which is a study session where no action will be taken.

**WSR 99-18-099****DEPARTMENT OF ECOLOGY**

[Filed September 1, 1999, 9:35 a.m.]

**Advisory Committee on Oil Spill Prevention in North  
Puget Sound Area Co-Chaired by the Department of  
Ecology and US Coast Guard Meeting Notice**

The Department of Ecology's spills program and the United States Coast Guard are cochairing an advisory panel of the Federal Navigational Safety Advisory Committee (NAVSAC). This subcommittee, known as the North Puget Sound Area Risk Management Panel, will review existing marine oil spill prevention measures in the North Puget Sound area and make recommendations on how the marine safety system can be improved. The area of study will be the marine transportation corridor extending from the approaches to the Strait of Juan De Fuca through the San Juan Islands to the Canadian border.

The first meeting will take place on September 23 and 24, 1999, at the National Oceanographic and Atmospheric Administration's Sand Point Facility in Seattle. It is anticipated that future meetings will be held on a monthly schedule. The panel will consist of representatives from a broad cross section of organizations interested in marine safety. The panel will complete a holistic and inclusive review and provide opportunities for public participation. Ecology anticipates that the panel will meet monthly in the Puget Sound area and adopt recommendations in its final report in June 2000.

If you would like to have your name placed on the mailing list to receive meeting notices or have special accommodation needs, contact Teresa Hedblum at (360) 407-6959 or 407-6006 TDD. If you have any questions about the process, please contact Jon Neel at (360) 407-6905.

**WSR 99-18-108**

**NOTICE OF PUBLIC MEETINGS  
COMMUNITY ECONOMIC  
REVITALIZATION BOARD**

[Memorandum—August 31, 1999]

The Community Economic Revitalization Board (CERB) will hold a special meeting on October 21, 1999. This meeting will be held at the Best Western Airport Executive, SeaTac, Washington. The address is 20717 Interna-

MISC.



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- 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 #
4- 25-510	AMD-P	99-13-060	10- 04-050	AMD-P	99-17-107	16- 05-025	REP	99-08-039
4- 25-510	AMD	99-18-111	10- 04-060	AMD-P	99-17-107	16- 05-030	REP-P	99-05-022
4- 25-530	PREP	99-05-025	10- 04-070	AMD-P	99-17-107	16- 05-030	REP	99-08-039
4- 25-530	AMD-P	99-13-061	10- 04-080	AMD-P	99-17-107	16- 05-035	REP-P	99-05-022
4- 25-530	AMD	99-18-112	10- 04-090	AMD-P	99-17-107	16- 05-035	REP	99-08-039
4- 25-730	AMD-P	99-13-062	10- 08	PREP	99-13-188	16- 05-040	AMD-P	99-05-022
4- 25-730	AMD	99-18-113	10- 08-001	AMD-P	99-17-107	16- 05-040	AMD	99-08-039
4- 25-740	REP-P	99-13-075	10- 08-035	AMD-P	99-17-107	16- 05-045	REP-P	99-05-022
4- 25-740	REP	99-18-114	10- 08-040	AMD-P	99-17-107	16- 05-045	REP	99-08-039
4- 25-745	NEW-P	99-13-063	10- 08-045	AMD-P	99-17-107	16- 10	PREP	99-11-056
4- 25-745	NEW	99-18-115	10- 08-050	AMD-P	99-17-107	16- 10-010	REP-XA	99-15-033
4- 25-746	NEW-P	99-13-064	10- 08-083	NEW-P	99-17-107	16- 10-020	REP-XA	99-15-033
4- 25-746	NEW	99-18-116	10- 08-085	NEW-P	99-17-107	16- 10-030	REP-XA	99-15-033
4- 25-750	PREP	99-05-026	10- 08-090	AMD-P	99-17-107	16- 12-001	REP-XR	99-16-087
4- 25-750	AMD-P	99-13-065	10- 08-110	AMD-P	99-17-107	16- 12-010	REP-XR	99-16-087
4- 25-750	AMD	99-18-117	10- 08-120	AMD-P	99-17-107	16- 12-015	REP-XR	99-16-087
4- 25-760	REP-P	99-13-076	10- 08-130	AMD-P	99-17-107	16- 12-020	REP-XR	99-16-087
4- 25-760	REP	99-18-118	10- 08-135	NEW-P	99-17-107	16- 12-025	REP-XR	99-16-087
4- 25-780	PREP	99-05-027	10- 08-140	AMD-P	99-17-107	16- 12-030	REP-XR	99-16-087
4- 25-780	AMD-P	99-13-066	10- 08-150	AMD-P	99-17-107	16- 12-035	REP-XR	99-16-087
4- 25-780	AMD	99-18-119	10- 08-160	AMD-P	99-17-107	16- 12-040	REP-XR	99-16-087
4- 25-790	NEW-P	99-13-067	10- 08-180	AMD-P	99-17-107	16- 12-045	REP-XR	99-16-087
4- 25-790	NEW	99-18-120	10- 08-200	AMD-P	99-17-107	16- 12-050	REP-XR	99-16-087
4- 25-791	NEW-P	99-13-068	10- 08-210	AMD-P	99-17-107	16- 12-055	REP-XR	99-16-087
4- 25-791	NEW	99-18-121	10- 08-217	NEW-P	99-17-107	16- 12-060	REP-XR	99-16-087
4- 25-792	NEW-P	99-13-069	10- 08-219	NEW-P	99-17-107	16- 12-065	REP-XR	99-16-087
4- 25-792	NEW	99-18-122	10- 08-251	AMD-P	99-17-107	16- 12-070	REP-XR	99-16-087
4- 25-795	NEW-P	99-13-070	10- 08-260	REP-P	99-17-107	16- 12-075	REP-XR	99-16-087
4- 25-795	NEW	99-18-123	10- 08-261	REP-P	99-17-107	16- 12-080	REP-XR	99-16-087
4- 25-810	REP-P	99-13-077	10- 12	PREP	99-13-188	16- 12-085	REP-XR	99-16-087
4- 25-811	REP-P	99-13-077	10- 12-010	AMD-P	99-17-107	16- 12-085	REP-XR	99-16-087
4- 25-812	REP-P	99-13-077	10- 12-020	AMD-P	99-17-107	16- 12-090	REP-XR	99-16-087
4- 25-813	REP-P	99-13-078	10- 16-010	NEW-P	99-17-107	16- 12-095	REP-XR	99-16-087
4- 25-830	NEW-P	99-13-071	16- 05-005	REP-P	99-05-022	16- 12-100	REP-XR	99-16-087
4- 25-831	NEW-P	99-13-072	16- 05-005	REP	99-08-039	16- 12-105	REP-XR	99-16-087
4- 25-832	NEW-P	99-13-073	16- 05-010	AMD-P	99-05-022	16- 12-110	REP-XR	99-16-087
4- 25-833	NEW-P	99-13-074	16- 05-010	AMD	99-08-039	16- 12-115	REP-XR	99-16-087
10- 04	PREP	99-13-188	16- 05-015	REP-P	99-05-022	16- 12-120	REP-XR	99-16-087
10- 04-010	AMD-P	99-17-107	16- 05-015	REP	99-08-039	16- 12-125	REP-XR	99-16-087
10- 04-020	AMD-P	99-17-107	16- 05-020	REP-P	99-05-022	16- 12-130	REP-XR	99-16-087
10- 04-030	AMD-P	99-17-107	16- 05-020	REP	99-08-039	16- 12-135	REP-XR	99-16-087
10- 04-040	AMD-P	99-17-107	16- 05-025	REP-P	99-05-022	16- 12-140	REP-XR	99-16-087
						16- 12-145	REP-XR	99-16-087





Table of WAC Sections Affected

WAC #:	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-19-330	NEW-P	99-07-116	16-21-095	REP	99-16-086	16-23-014	REP-XR	99-12-122
16-19-330	NEW	99-12-021	16-21-100	REP-XR	99-12-122	16-23-014	REP	99-16-086
16-20-001	REP-XR	99-12-122	16-21-100	REP	99-16-086	16-23-020	REP-XR	99-12-122
16-20-001	REP	99-16-086	16-21-105	REP-XR	99-12-122	16-23-020	REP	99-16-086
16-20-010	REP-XR	99-12-122	16-21-105	REP	99-16-086	16-23-025	REP-XR	99-12-122
16-20-010	REP	99-16-086	16-21-110	REP-XR	99-12-122	16-23-025	REP	99-16-086
16-20-020	REP-XR	99-12-122	16-21-110	REP	99-16-086	16-23-030	REP-XR	99-12-122
16-20-020	REP	99-16-086	16-21-115	REP-XR	99-12-122	16-23-030	REP	99-16-086
16-20-030	REP-XR	99-12-122	16-21-115	REP	99-16-086	16-23-035	REP-XR	99-12-122
16-20-030	REP	99-16-086	16-21-120	REP-XR	99-12-122	16-23-035	REP	99-16-086
16-20-040	REP-XR	99-12-122	16-21-120	REP	99-16-086	16-23-040	REP-XR	99-12-122
16-20-040	REP	99-16-086	16-21-125	REP-XR	99-12-122	16-23-040	REP	99-16-086
16-20-050	REP-XR	99-12-122	16-21-125	REP	99-16-086	16-23-045	REP-XR	99-12-122
16-20-050	REP	99-16-086	16-21-130	REP-XR	99-12-122	16-23-045	REP	99-16-086
16-20-060	REP-XR	99-12-122	16-21-130	REP	99-16-086	16-23-050	REP-XR	99-12-122
16-20-060	REP	99-16-086	16-21-135	REP-XR	99-12-122	16-23-050	REP	99-16-086
16-20-070	REP-XR	99-12-122	16-21-135	REP	99-16-086	16-23-060	REP-XR	99-12-122
16-20-070	REP	99-16-086	16-21-140	REP-XR	99-12-122	16-23-060	REP	99-16-086
16-20-080	REP-XR	99-12-122	16-21-140	REP	99-16-086	16-23-070	REP-XR	99-12-122
16-20-080	REP	99-16-086	16-21-145	REP-XR	99-12-122	16-23-070	REP	99-16-086
16-20-090	REP-XR	99-12-122	16-21-145	REP	99-16-086	16-23-075	REP-XR	99-12-122
16-20-090	REP	99-16-086	16-21-150	REP-XR	99-12-122	16-23-075	REP	99-16-086
16-20-100	REP-XR	99-12-122	16-21-150	REP	99-16-086	16-23-085	REP-XR	99-12-122
16-20-100	REP	99-16-086	16-21-155	REP-XR	99-12-122	16-23-085	REP	99-16-086
16-20-110	REP-XR	99-12-122	16-21-155	REP	99-16-086	16-23-090	REP-XR	99-12-122
16-20-110	REP	99-16-086	16-21-160	REP-XR	99-12-122	16-23-090	REP	99-16-086
16-20-120	REP-XR	99-12-122	16-21-160	REP	99-16-086	16-23-095	REP-XR	99-12-122
16-20-120	REP	99-16-086	16-21-165	REP-XR	99-12-122	16-23-095	REP	99-16-086
16-20-130	REP-XR	99-12-122	16-21-165	REP	99-16-086	16-23-100	REP-XR	99-12-122
16-20-130	REP	99-16-086	16-21-200	REP-XR	99-12-122	16-23-100	REP	99-16-086
16-20-140	REP-XR	99-12-122	16-21-200	REP	99-16-086	16-23-105	REP-XR	99-12-122
16-20-140	REP	99-16-086	16-21-205	REP-XR	99-12-122	16-23-105	REP	99-16-086
16-21-001	REP-XR	99-12-122	16-21-205	REP	99-16-086	16-23-110	REP-XR	99-12-122
16-21-001	REP	99-16-086	16-21-210	REP-XR	99-12-122	16-23-110	REP	99-16-086
16-21-010	REP-XR	99-12-122	16-21-210	REP	99-16-086	16-23-115	REP-XR	99-12-122
16-21-010	REP	99-16-086	16-21-215	REP-XR	99-12-122	16-23-115	REP	99-16-086
16-21-020	REP-XR	99-12-122	16-21-215	REP	99-16-086	16-23-120	REP-XR	99-12-122
16-21-020	REP	99-16-086	16-21-220	REP-XR	99-12-122	16-23-120	REP	99-16-086
16-21-025	REP-XR	99-12-122	16-21-220	REP	99-16-086	16-23-125	REP-XR	99-12-122
16-21-025	REP	99-16-086	16-22-001	REP-XR	99-12-122	16-23-125	REP	99-16-086
16-21-030	REP-XR	99-12-122	16-22-001	REP	99-16-086	16-23-150	REP-XR	99-12-122
16-21-030	REP	99-16-086	16-22-010	REP-XR	99-12-122	16-23-150	REP	99-16-086
16-21-035	REP-XR	99-12-122	16-22-010	REP	99-16-086	16-23-160	REP-XR	99-12-122
16-21-035	REP	99-16-086	16-22-011	REP-XR	99-12-122	16-23-160	REP	99-16-086
16-21-040	REP-XR	99-12-122	16-22-011	REP	99-16-086	16-23-165	REP-XR	99-12-122
16-21-040	REP	99-16-086	16-22-015	REP-XR	99-12-122	16-23-165	REP	99-16-086
16-21-045	REP-XR	99-12-122	16-22-015	REP	99-16-086	16-23-170	REP-XR	99-12-122
16-21-045	REP	99-16-086	16-22-020	REP-XR	99-12-122	16-23-170	REP	99-16-086
16-21-050	REP-XR	99-12-122	16-22-020	REP	99-16-086	16-23-175	REP-XR	99-12-122
16-21-050	REP	99-16-086	16-22-030	REP-XR	99-12-122	16-23-175	REP	99-16-086
16-21-055	REP-XR	99-12-122	16-22-030	REP	99-16-086	16-23-180	REP-XR	99-12-122
16-21-055	REP	99-16-086	16-22-040	REP-XR	99-12-122	16-23-180	REP	99-16-086
16-21-060	REP-XR	99-12-122	16-22-040	REP	99-16-086	16-24	PREP	99-13-180
16-21-060	REP	99-16-086	16-22-050	REP-XR	99-12-122	16-30	AMD-XA	99-07-115
16-21-065	REP-XR	99-12-122	16-22-050	REP	99-16-086	16-30	AMD	99-14-032
16-21-065	REP	99-16-086	16-22-060	REP-XR	99-12-122	16-30-001	REP-XA	99-07-115
16-21-070	REP-XR	99-12-122	16-22-060	REP	99-16-086	16-30-001	REP	99-14-032
16-21-070	REP	99-16-086	16-22-070	REP-XR	99-12-122	16-30-010	AMD-XA	99-07-115
16-21-075	REP-XR	99-12-122	16-22-070	REP	99-16-086	16-30-010	AMD	99-14-032
16-21-075	REP	99-16-086	16-22-080	REP-XR	99-12-122	16-30-100	REP-XA	99-07-115
16-21-080	REP-XR	99-12-122	16-22-080	REP	99-16-086	16-30-100	REP	99-14-032
16-21-080	REP	99-16-086	16-22-090	REP-XR	99-12-122	16-54-010	AMD-P	99-03-084
16-21-085	REP-XR	99-12-122	16-22-090	REP	99-16-086	16-54-010	AMD	99-09-023
16-21-085	REP	99-16-086	16-23-010	REP-XR	99-12-122	16-54-016	AMD-P	99-03-084
16-21-090	REP-XR	99-12-122	16-23-010	REP	99-16-086	16-54-016	REP	99-09-023
16-21-090	REP	99-16-086	16-23-012	REP-XR	99-12-122	16-54-018	NEW	99-09-023
16-21-095	REP-XR	99-12-122	16-23-012	REP	99-16-086	16-54-020	AMD-P	99-03-084

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-54-020	AMD	99-09-023	16-88-030	REP	99-14-031	16-124-140	REP	99-18-031
16-54-030	AMD-P	99-03-084	16-88-040	REP-XR	99-07-114	16-124-150	REP-XR	99-13-175
16-54-030	AMD	99-09-023	16-88-040	REP	99-14-031	16-124-150	REP	99-18-031
16-54-040	AMD-P	99-03-084	16-89-005	NEW-P	99-03-086	16-124-160	REP-XR	99-13-175
16-54-040	AMD	99-09-023	16-89-005	NEW	99-09-026	16-124-160	REP	99-18-031
16-54-071	AMD-P	99-03-084	16-89-010	NEW-P	99-03-086	16-124-170	REP-XR	99-13-175
16-54-071	AMD	99-09-023	16-89-010	NEW	99-09-026	16-124-170	REP	99-18-031
16-54-082	AMD-P	99-03-084	16-89-015	NEW-P	99-03-086	16-124-180	REP-XR	99-13-175
16-54-082	AMD	99-09-023	16-89-015	NEW	99-09-026	16-124-180	REP	99-18-031
16-54-101	AMD-P	99-03-084	16-89-020	NEW-P	99-03-086	16-124-190	REP-XR	99-13-175
16-54-101	AMD	99-09-023	16-89-020	NEW	99-09-026	16-124-190	REP	99-18-031
16-54-120	AMD-P	99-03-084	16-89-030	NEW-P	99-03-086	16-125	PREP	99-04-066
16-54-120	AMD	99-09-023	16-89-030	NEW	99-09-026	16-125	AMD-P	99-14-072
16-54-135	AMD-P	99-03-084	16-89-040	NEW-P	99-03-086	16-125-010	AMD-P	99-14-072
16-54-135	AMD	99-09-023	16-89-040	NEW	99-09-026	16-125-010	AMD	99-18-032
16-54-150	REP-P	99-03-084	16-89-050	NEW-P	99-03-086	16-125-020	AMD-P	99-14-072
16-54-150	REP	99-09-023	16-89-050	NEW	99-09-026	16-125-020	AMD	99-18-032
16-59	AMD-P	99-03-085	16-89-060	NEW-P	99-03-086	16-125-030	AMD-P	99-14-072
16-59-001	AMD-P	99-03-085	16-89-060	NEW	99-09-026	16-125-030	AMD	99-18-032
16-59-001	REP	99-09-024	16-89-070	NEW-P	99-03-086	16-125-035	NEW-P	99-14-072
16-59-005	NEW	99-09-024	16-89-070	NEW	99-09-026	16-125-035	NEW	99-18-032
16-59-010	AMD-P	99-03-085	16-89-080	NEW-P	99-03-086	16-125-040	REP-P	99-14-072
16-59-010	AMD	99-09-024	16-89-080	NEW	99-09-026	16-125-040	REP	99-18-032
16-59-020	AMD-P	99-03-085	16-89-090	NEW-P	99-03-086	16-125-050	REP-P	99-14-072
16-59-020	AMD	99-09-024	16-89-090	NEW	99-09-026	16-125-050	REP	99-18-032
16-59-030	AMD-P	99-03-085	16-89-100	NEW-P	99-03-086	16-125-060	REP-P	99-14-072
16-59-030	AMD	99-09-024	16-89-100	NEW	99-09-026	16-125-060	REP	99-18-032
16-59-060	AMD-P	99-03-085	16-89-110	NEW-P	99-03-086	16-125-070	REP-P	99-14-072
16-59-060	AMD	99-09-024	16-89-110	NEW	99-09-026	16-125-070	REP	99-18-032
16-59-070	REP-P	99-03-085	16-89-120	NEW-P	99-03-086	16-125-080	REP-P	99-14-072
16-59-070	REP	99-09-024	16-89-120	NEW	99-09-026	16-125-080	REP	99-18-032
16-86	AMD-P	99-03-087	16-101-690	REP-XR	99-13-176	16-125-090	REP-P	99-14-072
16-86-005	AMD-P	99-03-087	16-101-690	REP	99-18-030	16-125-090	REP	99-18-032
16-86-005	AMD	99-09-025	16-103	PREP	99-16-088	16-125-100	REP-P	99-14-072
16-86-015	AMD-P	99-03-087	16-108	PREP	99-03-045	16-125-100	REP	99-18-032
16-86-015	AMD	99-09-025	16-108-010	AMD-P	99-07-118	16-125-120	AMD-P	99-14-072
16-86-017	AMD-P	99-03-087	16-108-010	AMD	99-12-076	16-125-120	AMD	99-18-032
16-86-017	AMD	99-09-025	16-122-001	REP-XR	99-16-087	16-125-200	AMD-P	99-14-072
16-86-020	AMD-P	99-03-087	16-124-001	REP-XR	99-13-175	16-125-200	AMD	99-18-032
16-86-020	AMD	99-09-025	16-124-001	REP	99-18-031	16-125-210	AMD-P	99-14-072
16-86-030	AMD-P	99-03-087	16-124-010	REP-XR	99-13-175	16-125-210	AMD	99-18-032
16-86-030	AMD	99-09-025	16-124-010	REP	99-18-031	16-129-050	PREP	99-13-177
16-86-040	AMD-P	99-03-087	16-124-020	REP-XR	99-13-175	16-142	PREP	99-04-067
16-86-040	AMD	99-09-025	16-124-020	REP	99-18-031	16-142-001	REP-P	99-09-095
16-86-055	AMD-P	99-03-087	16-124-030	REP-XR	99-13-175	16-142-001	REP	99-13-048
16-86-055	AMD	99-09-025	16-124-030	REP	99-18-031	16-142-010	REP-P	99-09-095
16-86-060	AMD-P	99-03-087	16-124-040	REP-XR	99-13-175	16-142-010	REP	99-13-048
16-86-060	AMD	99-09-025	16-124-040	REP	99-18-031	16-142-020	REP-P	99-09-095
16-86-070	AMD-P	99-03-087	16-124-050	REP-XR	99-13-175	16-142-020	REP	99-13-048
16-86-070	AMD	99-09-025	16-124-050	REP	99-18-031	16-142-030	REP-P	99-09-095
16-86-080	AMD-P	99-03-087	16-124-060	REP-XR	99-13-175	16-142-030	REP	99-13-048
16-86-080	AMD	99-09-025	16-124-060	REP	99-18-031	16-142-040	REP-P	99-09-095
16-86-090	AMD-P	99-03-087	16-124-070	REP-XR	99-13-175	16-142-040	REP	99-13-048
16-86-090	AMD	99-09-025	16-124-070	REP	99-18-031	16-142-050	REP-P	99-09-095
16-86-092	AMD-P	99-03-087	16-124-080	REP-XR	99-13-175	16-142-050	REP	99-13-048
16-86-092	AMD	99-09-025	16-124-080	REP	99-18-031	16-142-060	REP-P	99-09-095
16-86-093	REP-P	99-03-087	16-124-090	REP-XR	99-13-175	16-142-060	REP	99-13-048
16-86-093	REP	99-09-025	16-124-090	REP	99-18-031	16-142-100	NEW-P	99-09-095
16-86-095	AMD-P	99-03-087	16-124-100	REP-XR	99-13-175	16-142-100	NEW	99-13-048
16-86-095	AMD	99-09-025	16-124-100	REP	99-18-031	16-142-110	NEW-P	99-09-095
16-86-100	REP-P	99-03-087	16-124-110	REP-XR	99-13-175	16-142-110	NEW	99-13-048
16-86-100	REP	99-09-025	16-124-110	REP	99-18-031	16-142-120	NEW-P	99-09-095
16-88-010	REP-XR	99-07-114	16-124-120	REP-XR	99-13-175	16-142-120	NEW	99-13-048
16-88-010	REP	99-14-031	16-124-120	REP	99-18-031	16-142-130	NEW-P	99-09-095
16-88-020	REP-XR	99-07-114	16-124-130	REP-XR	99-13-175	16-142-130	NEW	99-13-048
16-88-020	REP	99-14-031	16-124-130	REP	99-18-031	16-142-140	NEW-P	99-09-095
16-88-030	REP-XR	99-07-114	16-124-140	REP-XR	99-13-175	16-142-140	NEW	99-13-048

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-142-150	NEW-P	99-09-095	16-200-705	AMD	99-08-037	16-228-1320	NEW-XA	99-15-033
16-142-150	NEW	99-13-048	16-200-7061	AMD-P	99-04-093	16-228-1330	NEW-XA	99-15-033
16-142-160	NEW-P	99-09-095	16-200-7061	AMD	99-08-037	16-228-1370	NEW-XA	99-15-033
16-142-160	NEW	99-13-048	16-200-742	REP-XA	99-15-033	16-228-1380	NEW-XA	99-15-033
16-142-170	NEW-P	99-09-095	16-200-750	AMD-P	99-13-164	16-228-1385	NEW-XA	99-15-033
16-142-170	NEW	99-13-048	16-200-750	AMD	99-17-043	16-228-140	REP-XA	99-15-033
16-144	PREP	99-12-123	16-200-755	AMD-P	99-13-164	16-228-1400	NEW-XA	99-15-033
16-145	PREP	99-13-179	16-200-755	AMD	99-17-043	16-228-1410	NEW-XA	99-15-033
16-146	PREP	99-13-182	16-200-760	AMD-P	99-13-164	16-228-1420	NEW-XA	99-15-033
16-147	PREP	99-12-124	16-200-760	AMD	99-17-043	16-228-143	REP-XA	99-15-033
16-150-001	REP-XR	99-16-087	16-200-790	AMD-P	99-13-164	16-228-1430	NEW-XA	99-15-033
16-150-010	REP-XR	99-16-087	16-200-790	AMD	99-17-043	16-228-1440	NEW-XA	99-15-033
16-152-001	REP-XR	99-16-087	16-200-795	AMD-P	99-13-164	16-228-145	REP-XA	99-15-033
16-152-010	REP-XR	99-16-087	16-200-795	AMD	99-17-043	16-228-1450	NEW-XA	99-15-033
16-160-010	AMD-P	99-13-195	16-200-815	AMD-P	99-13-164	16-228-14501	REP-XA	99-15-033
16-160-010	AMD	99-16-054	16-200-815	AMD	99-17-043	16-228-1455	NEW-XA	99-15-033
16-160-020	AMD-P	99-13-195	16-200-830	AMD-P	99-13-164	16-228-1460	NEW-XA	99-15-033
16-160-020	AMD	99-16-054	16-200-830	AMD	99-17-043	16-228-1500	NEW-XA	99-15-033
16-160-025	NEW-P	99-13-195	16-202-1000	NEW-XA	99-15-033	16-228-1520	NEW-XA	99-15-033
16-160-025	NEW	99-16-054	16-202-2000	NEW-XA	99-15-033	16-228-1530	NEW-XA	99-15-033
16-160-030	AMD-P	99-13-195	16-212	PREP	99-07-132	16-228-1540	NEW-XA	99-15-033
16-160-030	AMD	99-16-054	16-212	AMD-P	99-11-095	16-228-155	REP-XA	99-15-033
16-160-035	NEW-P	99-13-195	16-212	AMD	99-15-082	16-228-1550	NEW-XA	99-15-033
16-160-035	NEW	99-16-054	16-212-010	AMD-P	99-11-095	16-228-1555	NEW-XA	99-15-033
16-160-040	AMD-P	99-13-195	16-212-010	AMD	99-15-082	16-228-157	REP-XA	99-15-033
16-160-040	AMD	99-16-054	16-212-030	AMD-P	99-11-095	16-228-1570	NEW-XA	99-15-033
16-160-050	AMD-P	99-13-195	16-212-030	AMD	99-15-082	16-228-1580	NEW-XA	99-15-033
16-160-050	AMD	99-16-054	16-212-060	AMD-P	99-11-095	16-228-1585	NEW-XA	99-15-033
16-160-060	AMD-P	99-13-195	16-212-060	AMD	99-15-082	16-228-1590	NEW-XA	99-15-033
16-160-060	AMD	99-16-054	16-212-070	AMD-P	99-11-095	16-228-160	REP-XA	99-15-033
16-160-070	AMD-P	99-13-195	16-212-070	AMD	99-15-082	16-228-161	REP-XA	99-15-033
16-160-070	AMD	99-16-054	16-212-080	AMD-P	99-11-095	16-228-162	REP-XA	99-15-033
16-160-090	AMD-P	99-13-195	16-212-080	AMD	99-15-082	16-228-164	REP-XA	99-15-033
16-160-090	AMD	99-16-054	16-212-082	AMD-P	99-11-095	16-228-166	REP-XA	99-15-033
16-160-100	AMD-P	99-13-195	16-212-082	AMD	99-15-082	16-228-168	REP-XA	99-15-033
16-160-100	AMD	99-16-054	16-218	PREP	99-17-106	16-228-170	REP-XA	99-15-033
16-160-110	NEW-P	99-13-195	16-219-010	PREP	99-07-088	16-228-172	REP-XA	99-15-033
16-160-110	NEW	99-16-054	16-219-016	PREP	99-07-086	16-228-180	REP-XA	99-15-033
16-165-100	NEW-P	99-08-088	16-219-100	PREP	99-07-111	16-228-185	REP-XA	99-15-033
16-165-100	NEW	99-13-001	16-219-105	PREP	99-07-111	16-228-190	REP-XA	99-15-033
16-165-110	NEW-P	99-08-088	16-228	AMD-XA	99-15-033	16-228-195	REP-XA	99-15-033
16-165-110	NEW	99-13-001	16-228-010	REP-XA	99-15-033	16-228-2000	NEW-XA	99-15-033
16-165-120	NEW-P	99-08-088	16-228-020	REP-XA	99-15-033	16-228-2020	NEW-XA	99-15-033
16-165-120	NEW	99-13-001	16-228-1010	NEW-XA	99-15-033	16-228-2030	NEW-XA	99-15-033
16-165-130	NEW-P	99-08-088	16-228-1020	NEW-XA	99-15-033	16-228-2040	NEW-XA	99-15-033
16-165-130	NEW	99-13-001	16-228-1030	NEW-XA	99-15-033	16-228-210	REP-XA	99-15-033
16-165-140	NEW-P	99-08-088	16-228-1040	NEW-XA	99-15-033	16-228-213	REP-XA	99-15-033
16-165-140	NEW	99-13-001	16-228-1100	NEW-XA	99-15-033	16-228-214	REP-XA	99-15-033
16-165-150	NEW-P	99-08-088	16-228-1110	NEW-XA	99-15-033	16-228-215	REP-XA	99-15-033
16-165-150	NEW	99-13-001	16-228-1120	NEW-XA	99-15-033	16-228-220	REP-XA	99-15-033
16-165-160	NEW-P	99-08-088	16-228-1130	NEW-XA	99-15-033	16-228-223	REP-XA	99-15-033
16-165-160	NEW	99-13-001	16-228-1140	NEW-XA	99-15-033	16-228-225	REP-XA	99-15-033
16-167-010	AMD-P	99-07-117	16-228-115	REP-XA	99-15-033	16-228-227	REP-XA	99-15-033
16-167-010	AMD	99-12-020	16-228-1150	NEW-XA	99-15-033	16-228-230	REP-XA	99-15-033
16-167-020	AMD-P	99-07-117	16-228-116	REP-XA	99-15-033	16-228-232	REP-XA	99-15-033
16-167-020	AMD	99-12-020	16-228-117	REP-XA	99-15-033	16-228-233	REP-XA	99-15-033
16-167-030	AMD-P	99-07-117	16-228-120	REP-XA	99-15-033	16-228-320	REP-XR	99-04-006
16-167-030	AMD	99-12-020	16-228-1200	NEW-XA	99-15-033	16-228-320	REP	99-07-113
16-167-040	AMD-P	99-07-117	16-228-1220	NEW-XA	99-15-033	16-228-330	REP-XR	99-04-006
16-167-040	AMD	99-12-020	16-228-1230	NEW-XA	99-15-033	16-228-330	REP	99-07-113
16-167-050	AMD-P	99-07-117	16-228-1240	NEW-XA	99-15-033	16-228-340	REP-XR	99-04-007
16-167-050	AMD	99-12-020	16-228-125	REP-XA	99-15-033	16-228-340	REP	99-07-112
16-168	PREP	99-13-181	16-228-1250	NEW-XA	99-15-033	16-228-400	REP-XA	99-15-033
16-200	PREP	99-12-101	16-228-1260	NEW-XA	99-15-033	16-228-410	REP-XA	99-15-033
16-200-695	AMD-P	99-04-093	16-228-1270	NEW-XA	99-15-033	16-228-420	REP-XA	99-15-033
16-200-695	AMD	99-08-037	16-228-130	REP-XA	99-15-033	16-228-430	REP-XA	99-15-033
16-200-705	AMD-P	99-04-093	16-228-1300	NEW-XA	99-15-033	16-228-600	REP-XA	99-15-033

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-228-650	REP-XA	99-15-033	16-231-810	PREP	99-13-162	16-401-030	PREP	99-18-098
16-228-655	REP-XA	99-15-033	16-231-815	PREP	99-13-162	16-401-031	NEW-P	99-07-126
16-228-660	REP-XA	99-15-033	16-231-820	PREP	99-13-162	16-401-031	NEW	99-12-034
16-228-905	REP-XA	99-15-033	16-231-825	PREP	99-13-162	16-401-040	AMD-P	99-07-126
16-228-910	REP-XA	99-15-033	16-231-830	PREP	99-13-162	16-401-040	AMD	99-12-034
16-228-915	REP-XA	99-15-033	16-231-835	PREP	99-13-162	16-401-040	PREP	99-18-098
16-228-920	REP-XA	99-15-033	16-231-840	PREP	99-13-162	16-401-041	NEW-P	99-07-126
16-228-925	REP-XA	99-15-033	16-231-900	PREP	99-13-162	16-401-041	NEW	99-12-034
16-228-930	REP-XA	99-15-033	16-231-905	PREP	99-13-162	16-401-050	AMD-P	99-07-126
16-230	PREP	99-07-087	16-231-910	PREP	99-13-162	16-401-050	AMD	99-12-034
16-230-150	PREP	99-13-163	16-231-912	PREP	99-13-162	16-403	PREP	99-03-108
16-230-160	PREP	99-13-163	16-231-915	PREP	99-13-162	16-403-141	AMD-P	99-11-096
16-230-170	PREP	99-13-163	16-231-920	PREP	99-13-162	16-403-141	AMD	99-14-036
16-230-180	PREP	99-13-163	16-231-925	PREP	99-13-162	16-406-001	PREP	99-04-094
16-230-190	PREP	99-13-163	16-231-930	PREP	99-13-162	16-406-020	PREP	99-04-094
16-230-400	PREP	99-13-162	16-231-935	PREP	99-13-162	16-406-020	AMD-P	99-08-108
16-230-410	PREP	99-13-162	16-232-001	PREP	99-13-162	16-406-020	AMD	99-17-003
16-230-420	PREP	99-13-162	16-232-005	PREP	99-13-162	16-406-025	NEW-P	99-08-108
16-230-430	PREP	99-13-162	16-232-010	PREP	99-13-162	16-406-025	NEW	99-17-003
16-230-440	PREP	99-13-162	16-232-015	PREP	99-13-162	16-406-030	PREP	99-04-094
16-230-450	PREP	99-13-162	16-232-020	PREP	99-13-162	16-406-030	AMD-P	99-08-108
16-230-460	PREP	99-13-162	16-232-025	PREP	99-13-162	16-406-030	AMD	99-17-003
16-230-470	PREP	99-13-162	16-232-027	PREP	99-13-162	16-406-050	PREP	99-04-094
16-231-200	PREP	99-13-162	16-232-030	PREP	99-13-162	16-406-050	AMD-P	99-08-108
16-231-205	PREP	99-13-162	16-232-035	PREP	99-13-162	16-406-050	AMD	99-17-003
16-231-210	PREP	99-13-162	16-232-038	PREP	99-13-162	16-412-010	REP-XR	99-08-112
16-231-215	PREP	99-13-162	16-232-100	PREP	99-13-162	16-412-010	REP	99-17-001
16-231-220	PREP	99-13-162	16-232-105	PREP	99-13-162	16-412-020	REP-XR	99-08-112
16-231-225	PREP	99-13-162	16-232-110	PREP	99-13-162	16-412-020	REP	99-17-001
16-231-230	PREP	99-13-162	16-232-115	PREP	99-13-162	16-412-030	REP-XR	99-08-112
16-231-235	PREP	99-13-162	16-232-120	PREP	99-13-162	16-412-030	REP	99-17-001
16-231-300	PREP	99-13-162	16-232-200	PREP	99-13-162	16-412-040	REP-XR	99-08-112
16-231-305	PREP	99-13-162	16-232-205	PREP	99-13-162	16-412-040	REP	99-17-001
16-231-310	PREP	99-13-162	16-232-210	PREP	99-13-162	16-412-050	REP-XR	99-08-112
16-231-315	PREP	99-13-162	16-232-215	PREP	99-13-162	16-412-050	REP	99-17-001
16-231-320	PREP	99-13-162	16-232-220	PREP	99-13-162	16-412-060	REP-XR	99-08-112
16-231-325	PREP	99-13-162	16-232-225	PREP	99-13-162	16-412-060	REP	99-17-001
16-231-330	PREP	99-13-162	16-232-300	PREP	99-13-162	16-424-010	REP-XR	99-08-112
16-231-335	PREP	99-13-162	16-232-305	PREP	99-13-162	16-424-010	REP	99-17-001
16-231-340	PREP	99-13-162	16-232-310	PREP	99-13-162	16-424-020	REP-XR	99-08-112
16-231-400	PREP	99-13-162	16-232-315	PREP	99-13-162	16-424-020	REP	99-17-001
16-231-405	PREP	99-13-162	16-316-474	PREP	99-04-096	16-424-030	REP-XR	99-08-112
16-231-410	PREP	99-13-162	16-316-474	AMD-P	99-13-184	16-424-030	REP	99-17-001
16-231-413	PREP	99-13-162	16-316-717	PREP	99-04-096	16-436	PREP	99-08-111
16-231-415	PREP	99-13-162	16-316-717	AMD-P	99-13-184	16-448	PREP	99-08-110
16-231-420	PREP	99-13-162	16-316-727	PREP	99-04-096	16-449-010	AMD-P	99-17-078
16-231-425	PREP	99-13-162	16-316-727	AMD-P	99-13-184	16-451-010	REP-XR	99-08-112
16-231-500	PREP	99-13-162	16-319-041	PREP	99-04-095	16-451-010	REP	99-17-001
16-231-505	PREP	99-13-162	16-319-041	AMD-P	99-13-185	16-451-020	REP-XR	99-08-112
16-231-510	PREP	99-13-162	16-322	PREP	99-03-093	16-451-020	REP	99-17-001
16-231-515	PREP	99-13-162	16-401	PREP	99-03-095	16-451-030	REP-XR	99-08-112
16-231-520	PREP	99-13-162	16-401-019	AMD-P	99-07-126	16-451-030	REP	99-17-001
16-231-525	PREP	99-13-162	16-401-019	AMD	99-12-034	16-451-040	REP-XR	99-08-112
16-231-530	PREP	99-13-162	16-401-020	AMD-P	99-07-126	16-451-040	REP	99-17-001
16-231-600	PREP	99-13-162	16-401-020	AMD	99-12-034	16-451-050	REP-XR	99-08-112
16-231-605	PREP	99-13-162	16-401-020	PREP	99-18-098	16-451-050	REP	99-17-001
16-231-610	PREP	99-13-162	16-401-021	NEW-P	99-07-126	16-451-060	REP-XR	99-08-112
16-231-613	PREP	99-13-162	16-401-021	NEW	99-12-034	16-451-060	REP	99-17-001
16-231-615	PREP	99-13-162	16-401-023	AMD-P	99-07-126	16-451-070	REP-XR	99-08-112
16-231-620	PREP	99-13-162	16-401-023	AMD	99-12-034	16-451-070	REP	99-17-001
16-231-700	PREP	99-13-162	16-401-025	AMD-P	99-07-126	16-458	AMD-XA	99-08-113
16-231-705	PREP	99-13-162	16-401-025	AMD	99-12-034	16-458	AMD	99-17-002
16-231-710	PREP	99-13-162	16-401-025	PREP	99-18-098	16-458-004	REP-XA	99-08-113
16-231-715	PREP	99-13-162	16-401-026	NEW-P	99-07-126	16-458-004	REP	99-17-002
16-231-720	PREP	99-13-162	16-401-026	NEW	99-12-034	16-458-075	AMD-XA	99-08-113
16-231-800	PREP	99-13-162	16-401-030	AMD-P	99-07-126	16-458-075	AMD	99-17-002
16-231-805	PREP	99-13-162	16-401-030	AMD	99-12-034	16-458-080	AMD-XA	99-08-113

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-458-080	AMD	99-17-002	16-470-921	NEW	99-12-035	16-752-165	REP-XR	99-07-124
16-458-085	AMD-XA	99-08-113	16-481	PREP	99-03-090	16-752-165	REP	99-11-087
16-458-085	AMD	99-17-002	16-483	PREP	99-03-091	16-752-170	REP-XR	99-07-124
16-460-005	REP-XR	99-08-112	16-532-020	AMD-P	99-02-063	16-752-170	REP	99-11-087
16-460-005	REP	99-17-001	16-532-020	AMD	99-10-095	25-12-010	REP-P	99-03-098
16-460-008	REP-XR	99-08-112	16-545-010	NEW	99-02-064	25-12-010	REP-W	99-16-074
16-460-008	REP	99-17-001	16-545-015	NEW	99-02-064	25-12-020	REP-P	99-03-098
16-460-040	REP-XR	99-08-112	16-545-020	NEW	99-02-064	25-12-020	REP-W	99-16-074
16-460-040	REP	99-17-001	16-545-030	NEW	99-02-064	25-12-030	REP-P	99-03-098
16-460-080	REP-XR	99-08-112	16-545-040	NEW	99-02-064	25-12-030	REP-W	99-16-074
16-460-080	REP	99-17-001	16-545-041	NEW	99-02-064	25-12-040	REP-P	99-03-098
16-460-100	REP-XR	99-08-112	16-545-050	NEW	99-02-064	25-12-040	REP-W	99-16-074
16-460-100	REP	99-17-001	16-545-080	NEW	99-02-064	25-12-050	REP-P	99-03-098
16-461	PREP	99-03-108	16-561-010	AMD-P	99-07-108	25-12-050	REP-W	99-16-074
16-461-010	AMD-P	99-11-096	16-561-010	AMD-C	99-11-024	25-12-060	REP-P	99-03-098
16-461-010	AMD	99-14-036	16-561-010	AMD-C	99-12-013	25-12-060	REP-W	99-16-074
16-462	PREP	99-03-094	16-561-010	AMD-W	99-13-142	25-12-070	REP-P	99-03-098
16-462	AMD-XA	99-07-127	16-561-130	NEW-P	99-07-108	25-12-070	REP-W	99-16-074
16-462-010	AMD-XA	99-07-127	16-561-130	NEW-C	99-11-024	25-12-110	NEW-P	99-03-098
16-462-010	AMD	99-12-025	16-561-130	NEW-C	99-12-013	25-12-110	NEW-W	99-16-074
16-462-015	AMD-XA	99-07-127	16-561-130	NEW-W	99-13-142	25-12-120	NEW-P	99-03-098
16-462-015	AMD	99-12-025	16-575-015	NEW-P	99-06-070	25-12-120	NEW-W	99-16-074
16-462-020	AMD-XA	99-07-127	16-575-015	NEW	99-12-104	25-12-130	NEW-P	99-03-098
16-462-020	AMD	99-12-025	16-604-010	REP	99-04-069	25-12-130	NEW-W	99-16-074
16-462-021	NEW-XA	99-07-127	16-607-150	NEW-P	99-16-100	25-12-140	NEW-P	99-03-098
16-462-021	NEW	99-12-025	16-607-155	NEW-P	99-16-100	25-12-140	NEW-W	99-16-074
16-462-022	NEW-XA	99-07-127	16-607-160	NEW-P	99-16-100	25-12-150	NEW-P	99-03-098
16-462-022	NEW	99-12-025	16-607-165	NEW-P	99-16-100	25-12-150	NEW-W	99-16-074
16-462-025	AMD-XA	99-07-127	16-607-170	NEW-P	99-16-100	25-12-160	NEW-P	99-03-098
16-462-025	AMD	99-12-025	16-645-005	NEW-P	99-02-066	25-12-160	NEW-W	99-16-074
16-462-030	AMD-XA	99-07-127	16-645-005	NEW	99-06-072	25-12-170	NEW-P	99-03-098
16-462-030	AMD	99-12-025	16-645-010	NEW-P	99-02-066	25-12-170	NEW-W	99-16-074
16-462-035	AMD-XA	99-07-127	16-645-010	NEW	99-06-072	25-12-180	NEW-P	99-03-098
16-462-035	AMD	99-12-025	16-662-105	AMD-P	99-04-111	25-12-180	NEW-W	99-16-074
16-462-045	REP-XA	99-07-127	16-662-105	AMD	99-07-056	36-12	PREP	99-12-103
16-462-045	REP	99-12-025	16-662-110	AMD-P	99-04-111	36-12-364	NEW-P	99-13-127
16-462-050	AMD-XA	99-07-127	16-662-110	AMD	99-07-056	36-12-364	NEW	99-17-048
16-462-050	AMD	99-12-025	16-720	PREP	99-13-178	36-14-100	NEW-P	99-13-127
16-462-055	AMD-XA	99-07-127	16-720	PREP	99-16-089	36-14-100	NEW	99-17-048
16-462-055	AMD	99-12-025	16-750	PREP	99-13-039	44-10	PREP	99-15-079
16-462-060	REP-XA	99-07-127	16-752	PREP	99-07-123	50-16-020	REP-XR	99-04-073
16-462-060	REP	99-12-025	16-752	PREP	99-17-104	50-16-020	REP	99-08-123
16-470	PREP	99-03-092	16-752	PREP	99-17-105	50-16-025	REP-XR	99-04-073
16-470-900	PREP	99-03-096	16-752-115	REP-XR	99-07-124	50-16-025	REP	99-08-123
16-470-900	AMD-P	99-07-125	16-752-115	REP	99-11-087	50-16-030	REP-XR	99-04-073
16-470-900	AMD	99-12-035	16-752-120	REP-XR	99-07-124	50-16-030	REP	99-08-123
16-470-905	PREP	99-03-096	16-752-120	REP	99-11-087	50-16-035	REP-XR	99-04-073
16-470-905	AMD-P	99-07-125	16-752-125	REP-XR	99-07-124	50-16-035	REP	99-08-123
16-470-905	AMD	99-12-035	16-752-125	REP	99-11-087	50-16-040	REP-XR	99-04-073
16-470-910	PREP	99-03-096	16-752-130	REP-XR	99-07-124	50-16-040	REP	99-08-123
16-470-910	AMD-P	99-07-125	16-752-130	REP	99-11-087	50-16-045	REP-XR	99-04-073
16-470-910	AMD	99-12-035	16-752-135	REP-XR	99-07-124	50-16-045	REP	99-08-123
16-470-910	REP-XR	99-18-097	16-752-135	REP	99-11-087	50-16-050	REP-XR	99-04-073
16-470-911	NEW-P	99-07-125	16-752-140	REP-XR	99-07-124	50-16-050	REP	99-08-123
16-470-911	NEW	99-12-035	16-752-140	REP	99-11-087	50-16-055	REP-XR	99-04-073
16-470-911	AMD-XA	99-18-104	16-752-145	REP-XR	99-07-124	50-16-055	REP	99-08-123
16-470-915	PREP	99-03-096	16-752-145	REP	99-11-087	50-16-060	REP-XR	99-04-073
16-470-915	AMD-P	99-07-125	16-752-146	REP-XR	99-07-124	50-16-060	REP	99-08-123
16-470-915	AMD	99-12-035	16-752-146	REP	99-11-087	50-16-065	REP-XR	99-04-073
16-470-915	REP-XR	99-18-097	16-752-147	REP-XR	99-07-124	50-16-065	REP	99-08-123
16-470-916	NEW-P	99-07-125	16-752-147	REP	99-11-087	50-16-070	REP-XR	99-04-073
16-470-916	NEW	99-12-035	16-752-150	REP-XR	99-07-124	50-16-070	REP	99-08-123
16-470-920	PREP	99-03-096	16-752-150	REP	99-11-087	50-16-075	REP-XR	99-04-073
16-470-920	AMD-P	99-07-125	16-752-155	REP-XR	99-07-124	50-16-075	REP	99-08-123
16-470-920	AMD	99-12-035	16-752-155	REP	99-11-087	50-16-080	REP-XR	99-04-073
16-470-920	REP-XR	99-18-097	16-752-160	REP-XR	99-07-124	50-16-080	REP	99-08-123
16-470-921	NEW-P	99-07-125	16-752-160	REP	99-11-087	50-16-085	REP-XR	99-04-073

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
50-16-085	REP	99-08-123	132A-108-080	NEW-P	99-10-100	132A-122-040	REP-XR	99-16-028
50-16-090	REP-XR	99-04-073	132A-108-080	NEW	99-15-072	132A-122-050	REP-XR	99-16-028
50-16-090	REP	99-08-123	132A-108-090	NEW-P	99-10-100	132A-128-005	REP-XR	99-16-028
50-16-095	REP-XR	99-04-073	132A-108-090	NEW	99-15-072	132A-128-010	REP-XR	99-16-028
50-16-095	REP	99-08-123	132A-116-001	NEW-P	99-10-100	132A-128-015	REP-XR	99-16-028
50-16-100	REP-XR	99-04-073	132A-116-001	NEW	99-15-072	132A-128-020	REP-XR	99-16-028
50-16-100	REP	99-08-123	132A-116-005	REP-XR	99-16-028	132A-128-025	REP-XR	99-16-028
50-16-105	REP-XR	99-04-073	132A-116-006	NEW-P	99-10-100	132A-128-030	REP-XR	99-16-028
50-16-105	REP	99-08-123	132A-116-006	NEW	99-15-072	132A-128-035	REP-XR	99-16-028
50-44-037	NEW-P	99-07-131	132A-116-010	REP-XR	99-16-028	132A-128-040	REP-XR	99-16-028
50-44-037	NEW	99-10-024	132A-116-011	NEW-P	99-10-100	132A-128-045	REP-XR	99-16-028
50-44-039	NEW-P	99-07-131	132A-116-011	NEW	99-15-072	132A-128-050	REP-XR	99-16-028
50-44-039	NEW	99-10-024	132A-116-015	REP-XR	99-16-028	132A-128-060	REP-XR	99-16-028
51-40-23110	REP-E	99-05-030	132A-116-016	NEW-P	99-10-100	132A-128-070	REP-XR	99-16-028
67-55-040	AMD	99-05-005	132A-116-016	NEW	99-15-072	132A-128-080	REP-XR	99-16-028
67-55-060	AMD	99-05-005	132A-116-020	REP-XR	99-16-028	132A-128-090	REP-XR	99-16-028
67-75-010	AMD	99-05-005	132A-116-021	NEW-P	99-10-100	132A-128-100	REP-XR	99-16-028
67-75-020	AMD	99-05-005	132A-116-021	NEW	99-15-072	132A-130-010	NEW-P	99-10-100
67-75-030	AMD	99-05-005	132A-116-025	REP-XR	99-16-028	132A-130-010	NEW	99-15-072
67-75-040	AMD	99-05-005	132A-116-026	NEW-P	99-10-100	132A-130-020	NEW-P	99-10-100
67-75-042	AMD	99-05-005	132A-116-026	NEW	99-15-072	132A-130-020	NEW	99-15-072
67-75-044	AMD	99-05-005	132A-116-030	NEW-P	99-10-100	132A-130-030	NEW-P	99-10-100
67-75-050	AMD	99-05-005	132A-116-030	NEW	99-15-072	132A-130-030	NEW	99-15-072
82-50-021	AMD-XA	99-07-128	132A-120	AMD	99-15-072	132A-131-010	NEW-P	99-10-100
82-50-021	AMD	99-12-081	132A-120-005	REP-XR	99-16-028	132A-131-010	NEW	99-15-072
98-70-010	PREP	99-10-017	132A-120-006	NEW-P	99-10-100	132A-131-020	NEW-P	99-10-100
98-70-010	AMD-P	99-13-137	132A-120-006	NEW	99-15-072	132A-131-020	NEW	99-15-072
98-70-010	AMD	99-16-079	132A-120-010	REP-XR	99-16-028	132A-133-020	NEW-P	99-10-100
130-16	PREP	99-08-060	132A-120-011	NEW-P	99-10-100	132A-133-020	NEW	99-15-072
131-16-021	PREP	99-09-017	132A-120-011	NEW	99-15-072	132A-136-005	REP-XR	99-16-028
131-16-021	AMD-P	99-13-043	132A-120-015	REP-XR	99-16-028	132A-136-010	REP-XR	99-16-028
131-16-021	AMD-E	99-13-186	132A-120-016	NEW-P	99-10-100	132A-136-015	REP-XR	99-16-028
131-16-021	AMD-P	99-14-019	132A-120-016	NEW	99-15-072	132A-136-020	REP-XR	99-16-028
131-16-021	AMD-P	99-14-052	132A-120-020	REP-XR	99-16-028	132A-136-025	REP-XR	99-16-028
131-16-021	AMD-P	99-18-094	132A-120-021	NEW-P	99-10-100	132A-136-030	REP-XR	99-16-028
131-16-450	PREP	99-04-029	132A-120-021	NEW	99-15-072	132A-140	AMD	99-15-072
131-16-450	AMD-E	99-07-057	132A-120-025	REP-XR	99-16-028	132A-140-001	NEW-P	99-10-100
131-16-450	AMD-P	99-08-013	132A-120-026	NEW-P	99-10-100	132A-140-001	NEW	99-15-072
131-16-450	AMD	99-13-013	132A-120-026	NEW	99-15-072	132A-140-005	REP-XR	99-16-028
131-28	PREP	99-10-015	132A-120-030	REP-XR	99-16-028	132A-140-006	NEW-P	99-10-100
131-46	PREP	99-08-057	132A-120-031	NEW-P	99-10-100	132A-140-006	NEW	99-15-072
131-46-140	NEW-P	99-14-018	132A-120-031	NEW	99-15-072	132A-140-010	REP-XR	99-16-028
131-46-140	NEW-E	99-14-020	132A-120-035	REP-XR	99-16-028	132A-140-011	NEW-P	99-10-100
132A	PREP	99-07-060	132A-120-036	NEW-P	99-10-100	132A-140-011	NEW	99-15-072
132A-104-010	REP-XR	99-16-028	132A-120-036	NEW	99-15-072	132A-140-015	REP-XR	99-16-028
132A-104-011	NEW-P	99-10-100	132A-120-040	REP-XR	99-16-028	132A-140-016	NEW-P	99-10-100
132A-104-011	NEW	99-15-072	132A-120-041	NEW-P	99-10-100	132A-140-016	NEW	99-15-072
132A-104-015	REP-XR	99-16-028	132A-120-041	NEW	99-15-072	132A-140-020	REP-XR	99-16-028
132A-104-016	NEW-P	99-10-100	132A-120-045	REP-XR	99-16-028	132A-140-021	NEW-P	99-10-100
132A-104-016	NEW	99-15-072	132A-120-046	NEW-P	99-10-100	132A-140-021	NEW	99-15-072
132A-104-020	REP-XR	99-16-028	132A-120-046	NEW	99-15-072	132A-140-025	REP-XR	99-16-028
132A-104-021	NEW-P	99-10-100	132A-120-050	REP-XR	99-16-028	132A-140-026	NEW-P	99-10-100
132A-104-021	NEW	99-15-072	132A-120-051	NEW-P	99-10-100	132A-140-026	NEW	99-15-072
132A-108-010	NEW-P	99-10-100	132A-120-051	NEW	99-15-072	132A-140-030	NEW-P	99-10-100
132A-108-010	NEW	99-15-072	132A-120-055	REP-XR	99-16-028	132A-140-030	NEW	99-15-072
132A-108-020	NEW-P	99-10-100	132A-120-056	NEW-P	99-10-100	132A-150-010	NEW-P	99-10-100
132A-108-020	NEW	99-15-072	132A-120-056	NEW	99-15-072	132A-150-010	NEW	99-15-072
132A-108-030	NEW-P	99-10-100	132A-120-060	REP-XR	99-16-028	132A-150-020	NEW-P	99-10-100
132A-108-030	NEW	99-15-072	132A-120-061	NEW-P	99-10-100	132A-150-020	NEW	99-15-072
132A-108-040	NEW-P	99-10-100	132A-120-061	NEW	99-15-072	132A-156-005	REP-XR	99-16-028
132A-108-040	NEW	99-15-072	132A-122-010	REP-XR	99-16-028	132A-156-006	NEW-P	99-10-100
132A-108-050	NEW-P	99-10-100	132A-122-011	NEW-P	99-10-100	132A-156-006	NEW	99-15-072
132A-108-050	NEW	99-15-072	132A-122-011	NEW	99-15-072	132A-156-010	REP-XR	99-16-028
132A-108-060	NEW-P	99-10-100	132A-122-020	REP-XR	99-16-028	132A-156-011	NEW-P	99-10-100
132A-108-060	NEW	99-15-072	132A-122-021	NEW-P	99-10-100	132A-156-011	NEW	99-15-072
132A-108-070	NEW-P	99-10-100	132A-122-021	NEW	99-15-072	132A-156-015	REP-XR	99-16-028
132A-108-070	NEW	99-15-072	132A-122-030	REP-XR	99-16-028	132A-156-016	NEW-P	99-10-100

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132A-156-016	NEW	99-15-072	132A-280-016	NEW	99-15-072	132H-168-080	REP-P	99-05-018
132A-156-020	REP-XR	99-16-028	132A-280-020	REP-XR	99-16-028	132H-168-080	REP	99-10-045
132A-156-025	REP-XR	99-16-028	132A-280-021	NEW-P	99-10-100	132H-168-090	REP-P	99-05-018
132A-156-030	REP-XR	99-16-028	132A-280-021	NEW	99-15-072	132H-168-090	REP	99-10-045
132A-160-005	REP-XR	99-16-028	132A-280-026	NEW-P	99-10-100	132H-168-990	REP-P	99-05-018
132A-160-006	NEW-P	99-10-100	132A-280-026	NEW	99-15-072	132H-168-990	REP	99-10-045
132A-160-006	NEW	99-16-029	132A-280-030	REP-XR	99-16-028	132H-168-9901	REP-P	99-05-018
132A-160-015	REP-XR	99-16-028	132A-280-031	NEW-P	99-10-100	132H-168-9901	REP	99-10-045
132A-160-020	REP-XR	99-16-028	132A-280-031	NEW	99-15-072	132H-168-9902	REP-P	99-05-018
132A-165-005	REP-XR	99-16-028	132A-280-035	NEW-P	99-10-100	132H-168-9902	REP	99-10-045
132A-165-015	REP-XR	99-16-028	132A-280-035	NEW	99-15-072	132H-168-9903	REP-P	99-05-018
132A-165-025	REP-XR	99-16-028	132A-280-040	NEW-P	99-10-100	132H-168-9903	REP	99-10-045
132A-165-035	REP-XR	99-16-028	132A-280-040	NEW	99-15-072	132H-169-010	NEW-P	99-05-018
132A-165-045	REP-XR	99-16-028	132A-280-045	NEW-P	99-10-100	132H-169-010	NEW	99-10-045
132A-165-055	REP-XR	99-16-028	132A-280-045	NEW	99-15-072	132H-169-020	NEW-P	99-05-018
132A-165-065	REP-XR	99-16-028	132A-280-050	NEW-P	99-10-100	132H-169-020	NEW	99-10-045
132A-165-075	REP-XR	99-16-028	132A-280-050	NEW	99-15-072	132H-169-030	NEW-P	99-05-018
132A-165-085	REP-XR	99-16-028	132A-280-055	NEW-P	99-10-100	132H-169-030	NEW	99-10-045
132A-168-005	REP-XR	99-16-028	132A-280-055	NEW	99-15-072	132H-169-040	NEW-P	99-05-018
132A-168-006	NEW-P	99-10-100	132A-280-060	NEW-P	99-10-100	132H-169-040	NEW	99-10-045
132A-168-006	NEW	99-15-072	132A-280-060	NEW	99-15-072	132H-169-050	NEW-P	99-05-018
132A-168-010	REP-XR	99-16-028	132A-280-065	NEW-P	99-10-100	132H-169-050	NEW	99-10-045
132A-168-011	NEW-P	99-10-100	132A-280-065	NEW	99-15-072	132H-169-060	NEW-P	99-05-018
132A-168-011	NEW	99-15-072	132A-280-070	NEW-P	99-10-100	132H-169-060	NEW	99-10-045
132A-168-015	REP-XR	99-16-028	132A-280-070	NEW	99-15-072	132H-169-070	NEW-P	99-05-018
132A-168-016	NEW-P	99-10-100	132A-280-075	NEW-P	99-10-100	132H-169-070	NEW	99-10-045
132A-168-016	NEW	99-15-072	132A-280-075	NEW	99-15-072	132H-169-080	NEW-P	99-05-018
132A-168-021	NEW-P	99-10-100	132A-280-080	NEW-P	99-10-100	132H-169-080	NEW	99-10-045
132A-168-021	NEW	99-15-072	132A-280-080	NEW	99-15-072	132H-169-090	NEW-P	99-05-018
132A-168-026	NEW-P	99-10-100	132A-280-085	NEW-P	99-10-100	132H-169-090	NEW	99-10-045
132A-168-026	NEW	99-15-072	132A-280-085	NEW	99-15-072	132H-169-100	NEW-P	99-05-018
132A-176-005	REP-XR	99-16-028	132A-300-005	REP-XR	99-16-028	132H-169-100	NEW	99-10-045
132A-176-006	NEW-P	99-10-100	132A-300-010	REP-XR	99-16-028	132H-169-110	NEW-P	99-05-018
132A-176-006	NEW	99-15-072	132A-310-005	REP-XR	99-16-028	132H-169-110	NEW	99-10-045
132A-180-005	REP-XR	99-16-028	132A-310-010	REP-XR	99-16-028	132H-169-120	NEW-P	99-05-018
132A-180-010	REP-XR	99-16-028	132A-320-010	NEW-P	99-10-100	132H-169-120	NEW	99-10-045
132A-180-015	REP-XR	99-16-028	132A-320-010	NEW	99-15-072	132H-169-130	NEW-P	99-05-018
132A-180-020	REP-XR	99-16-028	132A-320-020	NEW-P	99-10-100	132H-169-130	NEW	99-10-045
132A-180-025	REP-XR	99-16-028	132A-320-020	NEW	99-15-072	132K- 16	PREP	99-04-028
132A-180-030	REP-XR	99-16-028	132A-320-030	NEW-P	99-10-100	132K- 16-010	REP-P	99-07-109
132A-180-035	REP-XR	99-16-028	132A-320-030	NEW	99-15-072	132K- 16-010	REP	99-10-046
132A-180-040	REP-XR	99-16-028	132A-350-015	NEW-P	99-10-100	132K- 16-020	REP-P	99-07-109
132A-276-005	REP-XR	99-16-028	132A-350-015	NEW	99-15-072	132K- 16-020	REP	99-10-046
132A-276-010	REP-XR	99-16-028	132A-350-020	NEW-P	99-10-100	132K- 16-030	REP-P	99-07-109
132A-276-015	REP-XR	99-16-028	132A-350-020	NEW	99-15-072	132K- 16-030	REP	99-10-046
132A-276-020	REP-XR	99-16-028	132A-350-030	NEW-P	99-10-100	132K- 16-040	REP-P	99-07-109
132A-276-025	REP-XR	99-16-028	132A-350-030	NEW	99-15-072	132K- 16-040	REP	99-10-046
132A-276-030	REP-XR	99-16-028	132A-350-040	NEW-P	99-10-100	132K- 16-050	REP-P	99-07-109
132A-276-031	NEW-P	99-10-100	132A-350-040	NEW	99-15-072	132K- 16-050	REP	99-10-046
132A-276-031	NEW	99-15-072	132A-350-045	NEW-P	99-10-100	132K- 16-060	REP-P	99-07-109
132A-276-035	REP-XR	99-16-028	132A-350-045	NEW	99-15-072	132K- 16-060	REP	99-10-046
132A-276-040	REP-XR	99-16-028	132A-350-050	NEW-P	99-10-100	132K- 16-070	REP-P	99-07-109
132A-276-045	AMD-P	99-10-100	132A-350-050	NEW	99-15-072	132K- 16-070	REP	99-10-046
132A-276-045	AMD	99-15-072	132H-168-010	REP-P	99-05-018	132K- 16-110	REP-P	99-07-109
132A-276-050	REP-XR	99-16-028	132H-168-010	REP	99-10-045	132K- 16-110	REP	99-10-046
132A-276-055	REP-XR	99-16-028	132H-168-020	REP-P	99-05-018	132K- 16-120	REP-P	99-07-109
132A-276-060	REP-XR	99-16-028	132H-168-020	REP	99-10-045	132K- 16-120	REP	99-10-046
132A-276-065	REP-XR	99-16-028	132H-168-030	REP-P	99-05-018	132K- 16-130	REP-P	99-07-109
132A-276-070	REP-XR	99-16-028	132H-168-030	REP	99-10-045	132K- 16-130	REP	99-10-046
132A-280-005	REP-XR	99-16-028	132H-168-040	REP-P	99-05-018	132K- 16-140	REP-P	99-07-109
132A-280-006	NEW-P	99-10-100	132H-168-040	REP	99-10-045	132K- 16-140	REP	99-10-046
132A-280-006	NEW	99-15-072	132H-168-050	REP-P	99-05-018	132K- 16-150	REP-P	99-07-109
132A-280-010	REP-XR	99-16-028	132H-168-050	REP	99-10-045	132K- 16-150	REP	99-10-046
132A-280-011	NEW-P	99-10-100	132H-168-060	REP-P	99-05-018	132K- 16-160	REP-P	99-07-109
132A-280-011	NEW	99-15-072	132H-168-060	REP	99-10-045	132K- 16-160	REP	99-10-046
132A-280-015	REP-XR	99-16-028	132H-168-070	REP-P	99-05-018	132K- 16-170	REP-P	99-07-109
132A-280-016	NEW-P	99-10-100	132H-168-070	REP	99-10-045	132K- 16-170	REP	99-10-046

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132K-16-180	REP-P	99-07-109	132K-125-030	NEW	99-10-046	132K-125-370	NEW-P	99-07-109
132K-16-180	REP	99-10-046	132K-125-040	NEW-P	99-07-109	132K-125-370	NEW	99-10-046
132K-16-190	REP-P	99-07-109	132K-125-040	NEW	99-10-046	132K-125-380	NEW-P	99-07-109
132K-16-190	REP	99-10-046	132K-125-050	NEW-P	99-07-109	132K-125-380	NEW	99-10-046
132K-16-200	REP-P	99-07-109	132K-125-050	NEW	99-10-046	132K-125-390	NEW-P	99-07-109
132K-16-200	REP	99-10-046	132K-125-060	NEW-P	99-07-109	132K-125-390	NEW	99-10-046
132K-16-210	REP-P	99-07-109	132K-125-060	NEW	99-10-046	132K-125-400	NEW-P	99-07-109
132K-16-210	REP	99-10-046	132K-125-070	NEW-P	99-07-109	132K-125-400	NEW	99-10-046
132K-16-220	REP-P	99-07-109	132K-125-070	NEW	99-10-046	132K-125-410	NEW-P	99-07-109
132K-16-220	REP	99-10-046	132K-125-080	NEW-P	99-07-109	132K-125-410	NEW	99-10-046
132K-16-230	REP-P	99-07-109	132K-125-080	NEW	99-10-046	132K-125-420	NEW-P	99-07-109
132K-16-230	REP	99-10-046	132K-125-090	NEW-P	99-07-109	132K-125-420	NEW	99-10-046
132K-16-240	REP-P	99-07-109	132K-125-090	NEW	99-10-046	132K-125-430	NEW-P	99-07-109
132K-16-240	REP	99-10-046	132K-125-100	NEW-P	99-07-109	132K-125-430	NEW	99-10-046
132K-16-250	REP-P	99-07-109	132K-125-100	NEW	99-10-046	132N-160	PREP	99-06-011
132K-16-250	REP	99-10-046	132K-125-110	NEW-P	99-07-109	132N-160-010	NEW-P	99-10-044
132K-16-260	REP-P	99-07-109	132K-125-110	NEW	99-10-046	132N-160-010	NEW	99-15-017
132K-16-260	REP	99-10-046	132K-125-120	NEW-P	99-07-109	132N-160-020	NEW-P	99-10-044
132K-16-270	REP-P	99-07-109	132K-125-120	NEW	99-10-046	132N-160-020	NEW	99-15-017
132K-16-270	REP	99-10-046	132K-125-130	NEW-P	99-07-109	132N-160-030	NEW-P	99-10-044
132K-16-280	REP-P	99-07-109	132K-125-130	NEW	99-10-046	132N-160-030	NEW	99-15-017
132K-16-280	REP	99-10-046	132K-125-140	NEW-P	99-07-109	132N-160-040	NEW-P	99-10-044
132K-16-290	REP-P	99-07-109	132K-125-140	NEW	99-10-046	132N-160-040	NEW	99-15-017
132K-16-290	REP	99-10-046	132K-125-150	NEW-P	99-07-109	132N-160-050	NEW-P	99-10-044
132K-16-300	REP-P	99-07-109	132K-125-150	NEW	99-10-046	132N-160-050	NEW	99-15-017
132K-16-300	REP	99-10-046	132K-125-160	NEW-P	99-07-109	132N-160-060	NEW-P	99-10-044
132K-16-310	REP-P	99-07-109	132K-125-160	NEW	99-10-046	132N-160-060	NEW	99-15-017
132K-16-310	REP	99-10-046	132K-125-170	NEW-P	99-07-109	132N-160-070	NEW-P	99-10-044
132K-16-320	REP-P	99-07-109	132K-125-170	NEW	99-10-046	132N-160-070	NEW	99-15-017
132K-16-320	REP	99-10-046	132K-125-180	NEW-P	99-07-109	132N-160-080	NEW-P	99-10-044
132K-16-330	REP-P	99-07-109	132K-125-180	NEW	99-10-046	132N-160-080	NEW	99-15-017
132K-16-330	REP	99-10-046	132K-125-190	NEW-P	99-07-109	132N-160-090	NEW-P	99-10-044
132K-16-340	REP-P	99-07-109	132K-125-190	NEW	99-10-046	132N-160-090	NEW	99-15-017
132K-16-340	REP	99-10-046	132K-125-200	NEW-P	99-07-109	132P-33-010	AMD-P	99-08-019
132K-16-350	REP-P	99-07-109	132K-125-200	NEW	99-10-046	132P-33-010	AMD	99-13-140
132K-16-350	REP	99-10-046	132K-125-210	NEW-P	99-07-109	132P-33-020	AMD-P	99-08-019
132K-16-360	REP-P	99-07-109	132K-125-210	NEW	99-10-046	132P-33-020	AMD	99-13-140
132K-16-360	REP	99-10-046	132K-125-220	NEW-P	99-07-109	132P-33-080	AMD-P	99-08-019
132K-16-370	REP-P	99-07-109	132K-125-220	NEW	99-10-046	132P-33-080	AMD	99-13-140
132K-16-370	REP	99-10-046	132K-125-230	NEW-P	99-07-109	132P-33-100	AMD-P	99-08-019
132K-16-380	REP-P	99-07-109	132K-125-230	NEW	99-10-046	132P-33-100	AMD	99-13-140
132K-16-380	REP	99-10-046	132K-125-240	NEW-P	99-07-109	132P-33-120	AMD-P	99-08-019
132K-16-390	REP-P	99-07-109	132K-125-240	NEW	99-10-046	132P-33-120	AMD	99-13-140
132K-16-390	REP	99-10-046	132K-125-250	NEW-P	99-07-109	132P-33-123	NEW-P	99-08-019
132K-16-400	REP-P	99-07-109	132K-125-250	NEW	99-10-046	132P-33-123	NEW	99-13-140
132K-16-400	REP	99-10-046	132K-125-260	NEW-P	99-07-109	132P-33-125	NEW-P	99-08-019
132K-16-410	REP-P	99-07-109	132K-125-260	NEW	99-10-046	132P-33-125	NEW	99-13-140
132K-16-410	REP	99-10-046	132K-125-270	NEW-P	99-07-109	132P-33-130	AMD-P	99-08-019
132K-16-420	REP-P	99-07-109	132K-125-270	NEW	99-10-046	132P-33-130	AMD	99-13-140
132K-16-420	REP	99-10-046	132K-125-280	NEW-P	99-07-109	132P-33-150	AMD-P	99-08-019
132K-16-430	REP-P	99-07-109	132K-125-280	NEW	99-10-046	132P-33-150	AMD	99-13-140
132K-16-430	REP	99-10-046	132K-125-290	NEW-P	99-07-109	132P-33-155	NEW-P	99-08-019
132K-16-440	REP-P	99-07-109	132K-125-290	NEW	99-10-046	132P-33-155	NEW	99-13-140
132K-16-440	REP	99-10-046	132K-125-300	NEW-P	99-07-109	132P-33-160	AMD-P	99-08-019
132K-16-450	REP-P	99-07-109	132K-125-300	NEW	99-10-046	132P-33-160	AMD	99-13-140
132K-16-450	REP	99-10-046	132K-125-310	NEW-P	99-07-109	132P-33-170	AMD-P	99-08-019
132K-16-460	REP-P	99-07-109	132K-125-310	NEW	99-10-046	132P-33-170	AMD	99-13-140
132K-16-460	REP	99-10-046	132K-125-320	NEW-P	99-07-109	132P-33-210	AMD-P	99-08-019
132K-16-470	REP-P	99-07-109	132K-125-320	NEW	99-10-046	132P-33-210	AMD	99-13-140
132K-16-470	REP	99-10-046	132K-125-330	NEW-P	99-07-109	132P-33-220	AMD-P	99-08-019
132K-16-480	REP-P	99-07-109	132K-125-330	NEW	99-10-046	132P-33-220	AMD	99-13-140
132K-16-480	REP	99-10-046	132K-125-340	NEW-P	99-07-109	132P-33-230	AMD-P	99-08-019
132K-125-010	NEW-P	99-07-109	132K-125-340	NEW	99-10-046	132P-33-230	AMD	99-13-140
132K-125-010	NEW	99-10-046	132K-125-350	NEW-P	99-07-109	132P-33-260	AMD-P	99-08-019
132K-125-020	NEW-P	99-07-109	132K-125-350	NEW	99-10-046	132P-33-260	AMD	99-13-140
132K-125-020	NEW	99-10-046	132K-125-360	NEW-P	99-07-109	132P-33-270	AMD-P	99-08-019
132K-125-030	NEW-P	99-07-109	132K-125-360	NEW	99-10-046	132P-33-270	AMD	99-13-140

TABLE



Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132P-276	PREP	99-05-041	162- 16-140	REP-P	99-04-108	162- 22-075	NEW	99-15-025
132Q- 12-010	REP-C	99-05-040	162- 16-140	REP	99-15-025	162- 22-080	REP-P	99-04-108
132Q- 12-010	REP	99-10-012	162- 16-150	REP-P	99-04-108	162- 22-080	REP	99-15-025
132V-120	PREP	99-16-107	162- 16-150	REP	99-15-025	162- 22-090	AMD-P	99-04-108
132V-300	PREP	99-16-108	162- 16-160	REP-P	99-04-108	162- 22-090	AMD	99-15-025
132V-400	PREP	99-16-109	162- 16-160	REP	99-15-025	162- 22-100	AMD-P	99-04-108
132X- 10	PREP	99-06-032	162- 16-170	REP-P	99-04-108	162- 22-100	AMD	99-15-025
132X- 20	PREP	99-06-032	162- 16-170	REP	99-15-025	162- 26	PREP	99-12-100
132X- 30	PREP	99-06-032	162- 16-200	NEW-P	99-04-108	162- 26	PREP	99-13-121
132X- 40	PREP	99-06-032	162- 16-200	NEW	99-15-025	162- 26-010	AMD-P	99-04-108
132X- 50	PREP	99-06-032	162- 16-210	NEW-P	99-04-108	162- 26-010	AMD	99-15-025
132X- 60	PREP	99-06-032	162- 16-210	NEW	99-15-025	162- 26-020	REP-P	99-04-108
136-130-050	AMD-P	99-09-084	162- 16-220	NEW-P	99-04-108	162- 26-020	REP	99-15-025
136-130-050	AMD	99-16-038	162- 16-220	NEW	99-15-025	162- 26-030	REP-P	99-04-108
136-130-070	AMD-P	99-17-039	162- 16-230	NEW-P	99-04-108	162- 26-030	REP	99-15-025
137- 08-010	PREP	99-14-017	162- 16-230	NEW	99-15-025	162- 26-035	REP-P	99-04-108
137- 08-020	PREP	99-14-017	162- 16-240	NEW-P	99-04-108	162- 26-035	REP	99-15-025
137- 08-060	PREP	99-14-017	162- 16-240	NEW	99-15-025	162- 26-040	AMD-P	99-04-108
137- 08-070	PREP	99-14-017	162- 16-250	NEW-P	99-04-108	162- 26-040	AMD	99-15-025
137- 08-080	PREP	99-14-017	162- 16-250	NEW	99-15-025	162- 26-050	REP-P	99-04-108
137- 08-090	PREP	99-14-017	162- 16-260	NEW-P	99-04-108	162- 26-050	REP	99-15-025
137- 08-100	PREP	99-14-017	162- 16-260	NEW	99-15-025	162- 26-060	AMD-P	99-04-108
137- 08-105	PREP	99-14-017	162- 16-270	NEW-P	99-04-108	162- 26-060	AMD	99-15-025
137- 08-110	PREP	99-14-017	162- 16-270	NEW	99-15-025	162- 26-070	AMD-P	99-04-108
137- 08-120	PREP	99-14-017	162- 16-280	NEW-P	99-04-108	162- 26-070	AMD	99-15-025
137- 08-130	PREP	99-14-017	162- 16-280	NEW	99-15-025	162- 26-080	AMD-P	99-04-108
137- 08-140	PREP	99-14-017	162- 16-290	NEW-P	99-04-108	162- 26-080	AMD	99-15-025
137- 08-150	PREP	99-14-017	162- 16-290	NEW	99-15-025	162- 26-090	REP-P	99-04-108
137- 08-160	PREP	99-14-017	162- 18	PREP	99-12-098	162- 26-090	REP	99-15-025
137- 08-170	PREP	99-14-017	162- 18-010	REP-P	99-17-102	162- 26-100	AMD-P	99-04-108
137- 56-110	AMD	99-16-078	162- 18-020	REP-P	99-17-102	162- 26-100	AMD	99-15-025
143- 06	PREP	99-18-012	162- 18-030	REP-P	99-17-102	162- 26-110	AMD-P	99-04-108
162- 04	PREP	99-12-100	162- 18-040	REP-P	99-17-102	162- 26-110	AMD	99-15-025
162- 12	PREP	99-12-098	162- 18-050	REP-P	99-17-102	162- 26-120	AMD-P	99-04-108
162- 12-100	AMD-P	99-17-102	162- 18-060	REP-P	99-17-102	162- 26-120	AMD	99-15-025
162- 12-120	AMD-P	99-17-102	162- 18-070	REP-P	99-17-102	162- 26-135	NEW-P	99-04-108
162- 12-130	AMD-P	99-17-102	162- 18-080	REP-P	99-17-102	162- 26-135	NEW	99-15-025
162- 12-135	AMD-P	99-17-102	162- 18-090	REP-P	99-17-102	162- 26-140	AMD-P	99-04-108
162- 12-140	AMD-P	99-17-102	162- 18-100	REP-P	99-17-102	162- 26-140	AMD	99-15-025
162- 12-150	AMD-P	99-17-102	162- 20	PREP	99-12-098	162- 28	PREP	99-12-098
162- 12-160	AMD-P	99-17-102	162- 20-010	AMD-P	99-17-102	162- 28-030	AMD-P	99-17-102
162- 12-170	AMD-P	99-17-102	162- 20-020	AMD-P	99-17-102	162- 28-040	AMD-P	99-17-102
162- 12-180	AMD-P	99-17-102	162- 20-030	AMD-P	99-17-102	162- 30	PREP	99-12-099
162- 16-020	REP-P	99-04-108	162- 22	PREP	99-12-100	162- 30-010	AMD-P	99-04-108
162- 16-020	REP	99-15-025	162- 22-010	AMD-P	99-04-108	162- 30-010	AMD	99-15-025
162- 16-030	REP-P	99-04-108	162- 22-010	AMD	99-15-025	162- 30-020	AMD-P	99-04-108
162- 16-030	REP	99-15-025	162- 22-020	AMD-P	99-04-108	162- 30-020	AMD	99-15-025
162- 16-040	REP-P	99-04-108	162- 22-020	AMD	99-15-025	162- 38	PREP	99-12-100
162- 16-040	REP	99-15-025	162- 22-025	NEW-P	99-04-108	162- 38-040	AMD-P	99-04-108
162- 16-050	REP-P	99-04-108	162- 22-025	NEW	99-15-025	162- 38-040	AMD	99-15-025
162- 16-050	REP	99-15-025	162- 22-030	REP-P	99-04-108	162- 38-100	AMD-P	99-04-108
162- 16-060	REP-P	99-04-108	162- 22-030	REP	99-15-025	162- 38-100	AMD	99-15-025
162- 16-060	REP	99-15-025	162- 22-035	NEW-P	99-04-108	162- 38-105	NEW-P	99-04-108
162- 16-070	REP-P	99-04-108	162- 22-035	NEW	99-15-025	162- 38-105	NEW	99-15-025
162- 16-070	REP	99-15-025	162- 22-040	REP-P	99-04-108	162- 38-110	AMD-P	99-04-108
162- 16-080	REP-P	99-04-108	162- 22-040	REP	99-15-025	162- 38-110	AMD	99-15-025
162- 16-080	REP	99-15-025	162- 22-045	NEW-P	99-04-108	162- 38-130	REP-P	99-04-108
162- 16-090	REP-P	99-04-108	162- 22-045	NEW	99-15-025	162- 38-130	REP	99-15-025
162- 16-090	REP	99-15-025	162- 22-050	REP-P	99-04-108	162- 40	PREP	99-12-098
162- 16-100	REP-P	99-04-108	162- 22-050	REP	99-15-025	162- 40-010	AMD-P	99-17-102
162- 16-100	REP	99-15-025	162- 22-060	REP-P	99-04-108	162- 40-021	AMD-P	99-17-102
162- 16-110	REP-P	99-04-108	162- 22-060	REP	99-15-025	162- 40-031	REP-P	99-17-102
162- 16-110	REP	99-15-025	162- 22-065	NEW-P	99-04-108	162- 40-041	AMD-P	99-17-102
162- 16-120	REP-P	99-04-108	162- 22-065	NEW	99-15-025	162- 40-051	REP-P	99-17-102
162- 16-120	REP	99-15-025	162- 22-070	REP-P	99-04-108	162- 40-055	NEW-P	99-17-102
162- 16-130	REP-P	99-04-108	162- 22-070	REP	99-15-025	162- 40-061	REP-P	99-17-102
162- 16-130	REP	99-15-025	162- 22-075	NEW-P	99-04-108	162- 40-065	NEW-P	99-17-102

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
162- 40-071	REP-P	99-17-102	173-202-020	AMD-E	99-09-001	173-425-080	AMD-P	99-07-110
162- 40-075	NEW-P	99-17-102	173-202-020	AMD-C	99-09-094	173-425-080	AMD-S	99-18-100
162- 40-081	REP-P	99-17-102	173-224	PREP	99-11-055	173-425-090	REP-P	99-07-110
162- 40-091	REP-P	99-17-102	173-230	AMD-C	99-13-101	173-425-090	REP-S	99-18-100
162- 40-101	REP-P	99-17-102	173-230-010	AMD-P	99-12-038	173-425-100	REP-P	99-07-110
162- 40-111	REP-P	99-17-102	173-230-020	AMD-P	99-12-038	173-425-100	REP-S	99-18-100
162- 40-121	REP-P	99-17-102	173-230-030	REP-P	99-12-038	173-425-110	REP-P	99-07-110
162- 40-131	REP-P	99-17-102	173-230-040	AMD-P	99-12-038	173-425-110	REP-S	99-18-100
162- 40-141	REP-P	99-17-102	173-230-050	REP-P	99-12-038	173-433	PREP	99-07-093
162- 40-151	REP-P	99-17-102	173-230-061	AMD-P	99-12-038	173-434	PREP	99-07-093
162- 40-161	REP-P	99-17-102	173-230-065	NEW-P	99-12-038	173-434	PREP	99-17-080
162- 40-171	AMD-P	99-17-102	173-230-070	AMD-P	99-12-038	173-481	PREP	99-10-042
162- 40-181	AMD-P	99-17-102	173-230-080	AMD-P	99-12-038	173-490	PREP	99-17-080
162- 40-191	AMD-P	99-17-102	173-230-090	AMD-P	99-12-038	173-491	PREP	99-17-080
162- 40-201	AMD-P	99-17-102	173-230-100	AMD-P	99-12-038	173-495-010	AMD-XA	99-13-174
162- 40-211	AMD-P	99-17-102	173-230-110	AMD-P	99-12-038	173-495-020	AMD-XA	99-13-174
162- 40-221	AMD-P	99-17-102	173-230-120	AMD-P	99-12-038	173-495-040	AMD-XA	99-13-174
162- 40-231	AMD-P	99-17-102	173-230-130	AMD-P	99-12-038	173-495-045	AMD-XA	99-13-174
162- 40-241	REP-P	99-17-102	173-230-140	AMD-P	99-12-038	173-495-060	AMD-XA	99-13-174
162- 40-251	AMD-P	99-17-102	173-303	PREP	99-10-041	173-495-065	AMD-XA	99-13-174
173- 16-010	REP-P	99-08-124	173-325-020	AMD-XA	99-17-114	173-495-070	AMD-XA	99-13-174
173- 16-020	REP-P	99-08-124	173-325-030	AMD-XA	99-17-114	173-495-080	AMD-XA	99-13-174
173- 16-030	REP-P	99-08-124	173-325-040	AMD-XA	99-17-114	173-495-100	AMD-XA	99-13-174
173- 16-040	REP-P	99-08-124	173-325-050	AMD-XA	99-17-114	173-495-120	AMD-XA	99-13-174
173- 16-050	REP-P	99-08-124	173-400	PREP	99-07-093	173-532-085	NEW-S	99-08-125
173- 16-060	REP-P	99-08-124	173-400	PREP	99-09-093	173-532-085	NEW	99-13-093
173- 16-064	REP-P	99-08-124	173-400	PREP	99-10-042	173-548	AMD-P	99-09-092
173- 16-070	REP-P	99-08-124	173-400	PREP	99-17-080	173-548-001	NEW-P	99-09-092
173- 16-200	REP-P	99-08-124	173-400-030	AMD-XA	99-04-097	173-548-002	NEW-P	99-09-092
173- 26	AMD-C	99-12-094	173-400-030	AMD-P	99-12-096	173-548-005	NEW-P	99-09-092
173- 26-020	AMD-P	99-08-124	173-400-040	AMD-XA	99-04-097	173-548-010	AMD-P	99-09-092
173- 26-095	NEW-P	99-08-124	173-400-040	AMD-P	99-12-096	173-548-015	NEW-P	99-09-092
173- 26-100	AMD-P	99-08-124	173-400-060	AMD-XA	99-04-097	173-548-020	AMD-P	99-09-092
173- 26-110	AMD-P	99-08-124	173-400-060	AMD-P	99-12-096	173-548-030	AMD-P	99-09-092
173- 26-120	AMD-P	99-08-124	173-400-070	AMD-XA	99-04-097	173-548-031	NEW-P	99-09-092
173- 26-170	NEW-P	99-08-124	173-400-070	AMD-P	99-12-096	173-548-032	NEW-P	99-09-092
173- 26-180	NEW-P	99-08-124	173-400-075	AMD-XA	99-04-097	173-548-033	NEW-P	99-09-092
173- 26-190	NEW-P	99-08-124	173-400-075	AMD-P	99-12-096	173-548-034	NEW-P	99-09-092
173- 26-200	NEW-P	99-08-124	173-400-104	AMD-XA	99-04-097	173-548-035	NEW-P	99-09-092
173- 26-210	NEW-P	99-08-124	173-400-104	AMD-P	99-12-096	173-548-036	NEW-P	99-09-092
173- 26-220	NEW-P	99-08-124	173-400-115	AMD-XA	99-04-097	173-548-037	NEW-P	99-09-092
173- 26-230	NEW-P	99-08-124	173-400-115	AMD-P	99-12-096	173-548-040	AMD-P	99-09-092
173- 26-240	NEW-P	99-08-124	173-401	PREP	99-17-080	173-548-050	AMD-P	99-09-092
173- 26-250	NEW-P	99-08-124	173-405	PREP	99-07-093	173-548-060	AMD-P	99-09-092
173- 26-260	NEW-P	99-08-124	173-405	PREP	99-17-080	173-548-070	AMD-P	99-09-092
173-153-010	NEW-P	99-12-109	173-406	PREP	99-13-173	173-548-075	NEW-P	99-09-092
173-153-020	NEW-P	99-12-109	173-409	PREP	99-12-093	173-548-076	NEW-P	99-09-092
173-153-030	NEW-P	99-12-109	173-410	PREP	99-07-093	174-280-015	AMD-P	99-08-030
173-153-040	NEW-P	99-12-109	173-410	PREP	99-17-080	174-280-015	AMD	99-12-024
173-153-050	NEW-P	99-12-109	173-415	PREP	99-10-042	174-280-030	AMD-P	99-08-030
173-153-060	NEW-P	99-12-109	173-415	PREP	99-17-080	174-280-030	AMD	99-12-024
173-153-070	NEW-P	99-12-109	173-425	AMD-P	99-07-110	180- 08-015	NEW-P	99-04-079
173-153-080	NEW-P	99-12-109	173-425	AMD-S	99-18-100	180- 08-015	NEW	99-10-092
173-153-090	NEW-P	99-12-109	173-425-010	AMD-P	99-07-110	180- 16-195	AMD-P	99-04-080
173-153-100	NEW-P	99-12-109	173-425-010	AMD-S	99-18-100	180- 16-195	AMD	99-10-091
173-153-110	NEW-P	99-12-109	173-425-020	AMD-P	99-07-110	180- 16-215	PREP	99-04-088
173-153-120	NEW-P	99-12-109	173-425-020	AMD-S	99-18-100	180- 16-215	AMD-P	99-07-069
173-153-130	NEW-P	99-12-109	173-425-030	AMD-P	99-07-110	180- 16-220	AMD-P	99-04-080
173-153-140	NEW-P	99-12-109	173-425-030	AMD-S	99-18-100	180- 16-220	AMD	99-10-091
173-153-150	NEW-P	99-12-109	173-425-040	AMD-P	99-07-110	180- 16-221	REP-XR	99-03-001
173-153-160	NEW-P	99-12-109	173-425-040	AMD-S	99-18-100	180- 16-221	REP	99-07-054
173-153-170	NEW-P	99-12-109	173-425-050	AMD-P	99-07-110	180- 16-222	REP-XR	99-03-001
173-153-180	NEW-P	99-12-109	173-425-050	AMD-S	99-18-100	180- 16-222	REP	99-07-054
173-153-190	NEW-P	99-12-109	173-425-060	AMD-P	99-07-110	180- 16-226	REP-XR	99-03-001
173-153-200	NEW-P	99-12-109	173-425-060	AMD-S	99-18-100	180- 16-226	REP	99-07-054
173-201A	PREP	99-05-060	173-425-070	AMD-P	99-07-110	180- 16-231	REP-XR	99-03-001
173-202-020	AMD-E	99-07-077	173-425-070	AMD-S	99-18-100	180- 16-231	REP	99-07-054

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-16-236	REP-XR	99-03-001	180-51-050	AMD-P	99-04-081	180-82-316	NEW	99-04-008
180-16-236	REP	99-07-054	180-51-050	AMD	99-10-093	180-82-317	NEW-P	99-04-110
180-16-238	REP-XR	99-03-001	180-51-107	NEW-P	99-04-082	180-82-317	NEW	99-07-102
180-16-238	REP	99-07-054	180-51-107	NEW-P	99-06-089	180-82-318	NEW	99-04-008
180-16-240	REP-P	99-04-080	180-51-107	NEW	99-10-094	180-82-319	NEW-P	99-04-110
180-16-240	REP	99-10-091	180-51-107	NEW-W	99-17-085	180-82-319	NEW	99-07-102
180-18-055	NEW-P	99-04-082	180-51-110	PREP	99-04-091	180-82-320	NEW	99-04-008
180-18-055	NEW-P	99-06-089	180-51-110	AMD-P	99-07-072	180-82-321	NEW-P	99-04-110
180-18-055	NEW	99-10-094	180-51-110	AMD-S	99-14-011	180-82-321	NEW	99-07-102
180-18-055	NEW-W	99-17-085	180-52	PREP	99-10-090	180-82-322	NEW	99-04-008
180-20-011	NEW	99-08-004	180-52-041	NEW-P	99-14-087	180-82-324	NEW	99-04-008
180-20-034	AMD	99-08-004	180-55-085	PREP	99-04-089	180-82-326	NEW	99-04-008
180-20-035	REP	99-08-004	180-55-085	AMD-P	99-07-068	180-82-328	NEW	99-04-008
180-20-040	REP	99-08-004	180-56-245	PREP	99-04-092	180-82-330	NEW	99-04-008
180-20-055	REP	99-08-004	180-56-245	AMD-P	99-07-071	180-82-331	NEW	99-06-005
180-20-060	REP	99-08-004	180-77A	PREP	99-04-046	180-82-332	NEW	99-04-008
180-20-070	REP	99-08-004	180-77A-028	AMD-P	99-07-049	180-82-334	NEW	99-04-008
180-20-075	REP	99-08-004	180-77A-028	AMD	99-12-014	180-82-336	NEW	99-04-008
180-20-080	REP	99-08-004	180-77A-029	AMD-P	99-07-049	180-82-338	NEW-W	99-08-081
180-20-101	AMD	99-08-004	180-77A-029	AMD	99-12-014	180-82-339	NEW	99-04-008
180-20-111	AMD	99-08-004	180-77A-080	NEW-P	99-07-049	180-82-340	NEW-W	99-08-081
180-20-115	AMD	99-08-004	180-77A-080	NEW	99-12-014	180-82-342	NEW	99-04-008
180-20-120	AMD	99-08-004	180-78-155	PREP	99-04-087	180-82-343	NEW	99-04-008
180-20-150	REP	99-08-004	180-78-155	AMD-P	99-07-070	180-82-344	NEW	99-04-008
180-22-150	PREP	99-04-083	180-78-207	PREP	99-04-087	180-82-346	NEW	99-04-008
180-22-150	AMD-P	99-07-065	180-78-207	AMD-P	99-07-070	180-82-348	NEW	99-04-008
180-24	PREP	99-14-086	180-78-210	PREP	99-04-087	180-82-349	NEW-P	99-04-110
180-25	PREP	99-06-074	180-78-210	AMD-P	99-07-070	180-82-349	NEW	99-07-102
180-26	PREP	99-06-080	180-78A	PREP	99-16-062	180-82-350	NEW	99-04-008
180-26-040	AMD-P	99-14-089	180-78A	PREP	99-16-063	180-82-352	NEW	99-04-008
180-27	PREP	99-06-079	180-79A	PREP	99-16-059	180-82-354	NEW	99-04-008
180-27-020	AMD-P	99-14-090	180-79A	PREP	99-16-062	180-82-355	NEW	99-04-008
180-27-030	AMD-P	99-14-090	180-79A-223	PREP	99-06-038	180-82-356	NEW	99-04-008
180-27-056	AMD-P	99-14-090	180-79A-223	AMD-P	99-10-003	180-82-360	NEW	99-04-008
180-27-080	AMD-P	99-14-090	180-79A-223	AMD	99-14-012	180-82-362	NEW-W	99-08-081
180-27-082	NEW-W	99-03-026	180-79A-241	PREP	99-16-061	180-85-075	AMD-E	99-05-002
180-27-083	NEW-W	99-03-026	180-79A-260	PREP	99-16-060	180-85-075	PREP	99-06-039
180-27-102	NEW-P	99-14-090	180-79A-300	AMD	99-06-006	180-85-075	AMD-P	99-10-002
180-27-600	AMD-P	99-14-090	180-79A-380	PREP	99-04-085	180-85-075	AMD	99-14-010
180-27-605	AMD-P	99-14-090	180-79A-380	AMD-P	99-07-066	182-08-095	PREP	99-11-100
180-27-610	AMD-P	99-14-090	180-82	PREP	99-04-109	182-08-095	AMD-P	99-14-082
180-27-615	AMD-P	99-14-090	180-82	PREP	99-12-040	182-12-111	PREP	99-11-099
180-29	PREP	99-06-078	180-82	PREP	99-16-062	182-12-111	AMD-P	99-14-081
180-29-040	AMD-P	99-10-001	180-82-002	NEW	99-04-008	182-12-119	PREP	99-11-099
180-29-040	AMD-P	99-14-088	180-82-004	NEW	99-04-008	182-12-119	AMD-P	99-14-081
180-29-040	AMD	99-18-107	180-82-105	NEW	99-04-008	182-25-010	PREP	99-15-098
180-29-066	NEW-P	99-14-088	180-82-110	NEW	99-04-008	182-25-010	AMD-E	99-18-051
180-29-067	NEW-P	99-14-088	180-82-115	NEW	99-04-008	182-25-020	PREP	99-15-099
180-29-075	AMD-P	99-14-088	180-82-120	NEW	99-04-008	182-25-030	PREP	99-08-107
180-29-085	AMD-P	99-14-088	180-82-125	NEW	99-04-008	182-25-030	AMD-P	99-12-032
180-29-095	PREP	99-04-086	180-82-130	NEW	99-04-008	182-25-030	PREP	99-15-098
180-29-095	AMD-P	99-07-067	180-82-200	NEW	99-04-008	182-25-030	AMD	99-16-022
180-29-160	AMD-P	99-14-088	180-82-201	NEW	99-04-008	182-25-030	AMD-E	99-18-051
180-31	PREP	99-06-077	180-82-202	NEW	99-04-008	182-25-031	NEW-E	99-18-051
180-32	PREP	99-06-076	180-82-204	NEW	99-04-008	182-25-040	PREP	99-05-077
180-33	PREP	99-06-075	180-82-210	NEW	99-04-008	182-25-040	AMD-P	99-12-032
180-40	PREP	99-12-015	180-82-215	NEW	99-04-008	182-25-040	PREP	99-15-098
180-40-215	PREP	99-04-084	180-82-300	NEW	99-04-008	182-25-040	AMD	99-16-022
180-40-215	AMD-P	99-07-064	180-82-302	NEW-W	99-08-081	182-25-040	AMD-E	99-18-051
180-40-270	AMD-E	99-18-064	180-82-304	NEW	99-04-008	182-25-085	PREP	99-05-077
180-40-285	AMD-E	99-18-064	180-82-306	NEW-W	99-08-081	182-25-085	NEW-P	99-08-106
180-40-305	PREP	99-12-016	180-82-308	NEW	99-04-008	182-25-085	NEW	99-12-033
180-40-305	AMD-E	99-18-064	180-82-310	NEW	99-04-008	182-25-090	PREP	99-05-077
180-40-315	AMD-E	99-18-064	180-82-312	NEW	99-04-008	182-25-090	AMD-P	99-08-106
180-41-035	PREP	99-04-090	180-82-314	NEW	99-04-008	182-25-090	AMD	99-12-033
180-41-035	AMD-P	99-07-073	180-82-315	NEW-P	99-04-110	182-25-090	PREP	99-15-098
180-51	PREP	99-10-089	180-82-315	NEW	99-07-102	182-25-090	AMD-E	99-18-051

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
182-25-100	AMD	99-07-078	192-120-040	NEW	99-08-073	196-24-058	REP	99-15-052
182-25-105	AMD	99-07-078	192-140-005	NEW	99-08-073	196-24-060	PREP	99-02-073
182-25-110	AMD	99-07-078	192-140-010	NEW	99-08-073	196-24-060	REP-P	99-10-088
192-04-060	AMD	99-15-069	192-140-020	NEW	99-08-073	196-24-060	REP	99-15-051
192-04-170	AMD	99-08-073	192-140-025	NEW	99-08-073	196-24-085	PREP	99-02-071
192-04-190	AMD	99-08-073	192-140-030	NEW	99-08-073	196-24-090	PREP	99-02-075
192-12-005	REP	99-08-073	192-150-090	NEW	99-08-073	196-24-090	REP-P	99-10-082
192-12-010	REP-XA	99-13-110	192-180-005	NEW-P	99-09-097	196-24-090	REP	99-15-053
192-12-015	REP-XA	99-13-113	192-180-005	NEW	99-13-002	196-24-092	PREP	99-02-076
192-12-035	REP-XR	99-10-005	192-180-010	NEW-P	99-09-097	196-24-092	REP-P	99-10-083
192-12-050	PREP	99-11-088	192-180-010	NEW	99-13-002	196-24-092	REP	99-15-054
192-12-060	REP-XA	99-13-112	192-180-015	NEW-P	99-09-097	196-24-095	PREP	99-02-077
192-12-066	REP-XA	99-13-114	192-180-015	NEW	99-13-002	196-24-095	REP-P	99-10-084
192-12-070	REP-XA	99-13-115	192-180-020	NEW-P	99-09-097	196-24-095	REP	99-15-058
192-12-072	REP-P	99-05-068	192-180-020	NEW	99-13-002	196-24-097	PREP	99-02-078
192-12-072	REP-W	99-18-065	192-180-025	NEW-P	99-09-097	196-24-097	REP-P	99-10-085
192-12-074	REP-XA	99-11-091	192-180-025	NEW	99-13-002	196-24-097	REP	99-15-055
192-12-076	REP-XA	99-11-090	192-180-030	NEW-P	99-09-097	196-24-098	PREP	99-02-079
192-12-080	REP-XR	99-10-006	192-180-030	NEW	99-13-002	196-24-098	REP-P	99-10-087
192-12-090	REP-XA	99-11-094	192-200-020	NEW	99-08-073	196-24-098	REP	99-15-056
192-12-100	REP-XA	99-13-116	192-210-005	NEW-E	99-05-003	196-24-100	PREP	99-02-072
192-12-110	REP-XR	99-10-007	192-210-005	NEW-E	99-13-003	196-24-100	AMD-P	99-10-088
192-12-115	REP-XR	99-10-008	192-210-005	NEW-P	99-13-183	196-24-100	AMD	99-15-051
192-12-130	REP	99-15-069	192-210-005	NEW	99-18-066	196-25-040	PREP	99-02-074
192-12-141	REP	99-08-073	192-210-010	NEW-E	99-05-003	196-25-040	AMD-P	99-10-080
192-12-150	REP	99-08-073	192-210-010	NEW-E	99-13-003	196-25-040	AMD	99-15-057
192-12-182	REP	99-08-073	192-210-010	NEW-P	99-13-183	196-25-050	NEW-P	99-10-082
192-12-330	AMD	99-08-073	192-210-010	NEW	99-18-066	196-25-050	NEW	99-15-053
192-12-350	REP-XR	99-13-107	192-210-015	NEW-E	99-05-003	196-25-060	NEW-P	99-10-083
192-12-355	REP-XR	99-13-108	192-210-015	NEW-E	99-13-003	196-25-060	NEW	99-15-054
192-12-360	REP-XA	99-13-111	192-210-015	NEW-P	99-13-183	196-25-100	NEW-P	99-10-081
192-12-380	REP-XR	99-13-109	192-210-015	NEW	99-18-066	196-25-100	NEW	99-15-052
192-15-150	AMD	99-08-073	192-300-050	NEW-P	99-05-068	196-26-020	PREP	99-02-070
192-16-001	REP-XA	99-11-092	192-300-050	NEW-W	99-18-065	196-26-020	AMD-P	99-08-132
192-16-002	REP-XR	99-12-108	192-300-100	NEW-XA	99-13-111	196-26-020	AMD	99-12-036
192-16-051	REP-E	99-05-003	192-300-150	NEW-XA	99-11-094	204-10-020	PREP	99-09-049
192-16-051	REP-E	99-13-003	192-300-180	NEW-XA	99-13-112	204-10-020	AMD-P	99-13-135
192-16-051	REP-P	99-13-183	192-310-035	NEW-XA	99-11-092	204-10-020	AMD	99-18-027
192-16-051	REP	99-18-066	192-310-040	NEW-XA	99-11-093	204-24-050	AMD	99-06-023
192-16-052	REP-E	99-05-003	192-310-050	PREP	99-11-088	204-32-020	PREP	99-09-021
192-16-052	REP-E	99-13-003	192-310-050	NEW-P	99-17-092	204-32-020	AMD-P	99-13-133
192-16-052	REP-P	99-13-183	192-310-055	PREP	99-11-089	204-32-020	AMD	99-18-028
192-16-052	REP	99-18-066	192-310-055	NEW-P	99-17-091	204-32-040	PREP	99-09-021
192-16-057	REP-E	99-05-003	192-310-060	NEW-XA	99-13-114	204-32-040	AMD-P	99-13-133
192-16-057	REP-E	99-13-003	192-310-070	NEW-XA	99-13-115	204-32-040	AMD	99-18-028
192-16-057	REP-P	99-13-183	192-310-100	NEW-XA	99-13-116	204-32-060	PREP	99-09-021
192-16-057	REP	99-18-066	192-320-050	NEW-P	99-05-068	204-32-060	AMD-P	99-13-133
192-23-002	REP	99-08-073	192-320-050	NEW-W	99-18-065	204-32-060	AMD	99-18-028
192-23-013	REP	99-08-073	192-320-055	NEW-XA	99-11-091	204-80-020	AMD	99-02-045
192-23-018	REP	99-08-073	192-320-060	NEW-XA	99-11-090	204-90-140	PREP	99-09-049
192-24-001	REP	99-08-073	194-22	PREP	99-07-005	204-90-140	AMD-P	99-13-135
192-24-010	REP	99-08-073	194-22-010	AMD-XA	99-16-099	204-90-140	AMD	99-18-027
192-24-020	REP	99-08-073	194-22-020	AMD-XA	99-16-099	204-96-010	PREP	99-09-048
192-24-030	REP-P	99-09-097	194-22-120	AMD-XA	99-16-099	204-96-010	NEW-P	99-13-134
192-24-030	REP	99-13-002	194-22-130	AMD-XA	99-16-099	204-96-010	NEW	99-18-026
192-100-500	NEW-XA	99-13-110	196-23	PREP	99-07-135	208-464-010	REP	99-03-009
192-100-510	NEW-XA	99-13-113	196-23	PREP	99-07-136	208-464-020	REP	99-03-009
192-110-005	NEW	99-08-073	196-23-010	NEW-P	99-10-084	208-464-030	REP	99-03-009
192-110-010	NEW	99-15-069	196-23-010	NEW	99-15-058	208-464-040	REP	99-03-009
192-110-015	NEW	99-08-073	196-23-020	NEW-P	99-10-085	208-464-050	REP	99-03-009
192-110-020	NEW	99-08-073	196-23-020	NEW	99-15-055	208-464-060	REP	99-03-009
192-110-050	NEW	99-08-073	196-23-030	NEW-P	99-10-086	208-464-070	REP	99-03-009
192-120-001	NEW	99-08-073	196-23-030	NEW	99-15-050	208-464-080	REP	99-03-009
192-120-010	NEW	99-08-073	196-23-050	NEW-P	99-10-087	208-464-090	REP	99-03-009
192-120-020	NEW	99-08-073	196-23-050	NEW	99-15-056	208-480-010	REP	99-03-009
192-120-030	NEW	99-08-073	196-24-058	PREP	99-07-134	208-480-020	REP	99-03-009
192-120-035	NEW	99-08-073	196-24-058	REP-P	99-10-081	208-480-030	REP	99-03-009

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-480-040	REP	99-03-009	220-33-01000T	REP-E	99-18-024	220-47-427	AMD-W	99-12-086
208-480-050	REP	99-03-009	220-33-03000	NEW-E	99-11-002	220-47-427	AMD-XA	99-12-097
208-480-060	REP	99-03-009	220-33-03000	REP-E	99-11-002	220-47-427	AMD-W	99-13-007
208-480-070	REP	99-03-009	220-33-03000N	REP-E	99-14-015	220-47-427	AMD-XA	99-13-008
208-620-020	AMD-XA	99-14-006	220-33-03000N	NEW-E	99-14-015	220-47-428	AMD-XA	99-11-097
208-620-180	AMD-XA	99-14-006	220-44-05000U	REP-E	99-08-045	220-47-428	AMD-W	99-12-086
208-630-015	AMD-XA	99-14-007	220-44-05000V	NEW-E	99-08-045	220-47-428	AMD-XA	99-12-097
208-630-025	AMD-XA	99-14-007	220-44-05000V	REP-E	99-10-038	220-47-428	AMD-W	99-13-007
208-630-035	AMD-XA	99-14-007	220-44-05000	NEW-E	99-10-038	220-47-428	AMD-XA	99-13-008
208-630-100	AMD-XA	99-14-007	220-44-05000	REP-E	99-14-050	220-47-42800A	NEW-E	99-18-058
208-660	PREP	99-16-072	220-44-05000X	NEW-E	99-14-050	220-47-42800A	REP-E	99-18-058
220-16-225	AMD	99-08-029	220-44-08000A	NEW-E	99-03-008	220-47-430	NEW-XA	99-11-097
220-16-32000A	NEW-E	99-13-009	220-44-10000A	NEW-E	99-13-132	220-47-430	NEW-W	99-12-086
220-16-48000A	NEW-E	99-17-040	220-47-302	AMD-XA	99-11-097	220-47-430	NEW-XA	99-13-008
220-16-550	AMD-XA	99-11-098	220-47-302	AMD-W	99-12-086	220-47-43000A	NEW-E	99-16-017
220-16-550	AMD	99-15-081	220-47-302	AMD-XA	99-12-097	220-48-01500I	NEW-E	99-08-011
220-16-55000A	NEW-E	99-10-049	220-47-302	AMD-W	99-13-007	220-48-01500I	REP-E	99-14-049
220-16-55000A	REP-E	99-10-049	220-47-302	AMD-XA	99-13-008	220-48-01500J	NEW-E	99-14-049
220-20-016	AMD-XA	99-12-097	220-47-30200A	NEW-E	99-16-017	220-49-020	AMD-P	99-13-120
220-20-016	AMD-W	99-13-007	220-47-304	AMD-XA	99-11-097	220-49-020	AMD	99-17-067
220-20-016	AMD-XA	99-13-008	220-47-304	AMD-W	99-12-086	220-52-04000I	REP-E	99-09-035
220-20-01600A	NEW-E	99-16-017	220-47-304	AMD-XA	99-12-097	220-52-04000I	NEW-E	99-09-035
220-20-070	AMD-P	99-13-054	220-47-304	AMD-W	99-13-007	220-52-04000J	NEW-E	99-10-011
220-20-070	AMD	99-17-096	220-47-304	AMD-XA	99-13-008	220-52-04000J	REP-E	99-10-011
220-24-02000H	NEW-E	99-10-037	220-47-307	AMD-XA	99-11-097	220-52-04000K	NEW-E	99-10-023
220-24-02000H	REP-E	99-15-014	220-47-307	AMD-W	99-12-086	220-52-04000K	REP-E	99-10-023
220-24-02000I	NEW-E	99-15-014	220-47-307	AMD-XA	99-12-097	220-52-04000L	REP-E	99-11-013
220-24-02000I	REP-E	99-15-014	220-47-307	AMD-W	99-13-007	220-52-04000L	NEW-E	99-11-013
220-24-02000I	REP-E	99-16-053	220-47-307	AMD-XA	99-13-008	220-52-04000	NEW-E	99-11-042
220-24-02000J	REP-E	99-16-053	220-47-30700C	NEW-E	99-16-017	220-52-04000	REP-E	99-11-042
220-24-02000J	NEW-E	99-16-053	220-47-311	AMD-XA	99-11-097	220-52-046	AMD	99-10-062
220-24-02000J	REP-E	99-17-014	220-47-311	AMD-W	99-12-086	220-52-04600J	REP-E	99-08-048
220-24-02000K	NEW-E	99-17-045	220-47-311	AMD-XA	99-12-097	220-52-04600K	REP-E	99-08-011
220-24-02000K	REP-E	99-17-045	220-47-311	AMD-W	99-13-007	220-52-04600L	NEW-E	99-08-011
220-24-02000K	REP-E	99-18-016	220-47-311	AMD-XA	99-13-008	220-52-04600L	REP-E	99-09-035
220-24-04000A	NEW-E	99-16-016	220-47-31100B	NEW-E	99-16-017	220-52-04600	NEW-E	99-09-035
220-32-05100J	NEW-E	99-04-059	220-47-325	AMD-XA	99-11-097	220-52-04600	REP-E	99-09-035
220-32-05100J	REP-E	99-04-059	220-47-325	AMD-W	99-12-086	220-52-04600N	REP-E	99-10-011
220-32-05100K	NEW-E	99-07-009	220-47-325	AMD-XA	99-12-097	220-52-04600N	NEW-E	99-10-011
220-32-05100K	REP-E	99-07-009	220-47-325	AMD-W	99-13-007	220-52-04600P	NEW-E	99-10-023
220-32-05100L	REP-E	99-18-023	220-47-325	AMD-XA	99-13-008	220-52-04600P	REP-E	99-10-023
220-32-05100L	NEW-E	99-18-023	220-47-32500A	NEW-E	99-16-017	220-52-04600Q	NEW-E	99-11-013
220-32-05500T	REP-E	99-09-016	220-47-401	AMD-XA	99-11-097	220-52-04600Q	REP-E	99-11-013
220-32-05500T	NEW-E	99-09-016	220-47-401	AMD-W	99-12-086	220-52-04600Q	REP-E	99-11-021
220-32-05500U	REP-E	99-11-001	220-47-401	AMD-XA	99-12-097	220-52-04600R	REP-E	99-11-021
220-32-05500U	NEW-E	99-11-001	220-47-401	AMD-W	99-13-007	220-52-04600R	NEW-E	99-11-021
220-32-05500U	REP-E	99-12-045	220-47-401	AMD-XA	99-13-008	220-52-04600S	NEW-E	99-11-042
220-32-05500V	NEW-E	99-12-045	220-47-40100B	NEW-E	99-16-017	220-52-04600S	REP-E	99-11-042
220-32-05500V	REP-E	99-13-079	220-47-410	AMD-XA	99-11-097	220-52-050	REP-E	99-04-053
220-32-05500	NEW-E	99-13-079	220-47-410	AMD-W	99-12-086	220-52-071	AMD-P	99-13-118
220-32-05500	REP-E	99-13-146	220-47-410	AMD-XA	99-12-097	220-52-071	AMD	99-17-068
220-32-05500X	NEW-E	99-13-146	220-47-410	AMD-W	99-13-007	220-52-07100I	REP-E	99-07-033
220-32-05700A	NEW-E	99-08-048	220-47-410	AMD-XA	99-13-008	220-52-07100I	NEW-E	99-07-033
220-32-05700A	REP-E	99-13-012	220-47-41000A	NEW-E	99-16-017	220-52-07100J	REP-E	99-08-010
220-32-05700B	NEW-E	99-13-012	220-47-411	AMD-XA	99-11-097	220-52-07100J	NEW-E	99-08-010
220-33-01000N	NEW-E	99-05-055	220-47-411	AMD-W	99-12-086	220-52-07100K	NEW-E	99-13-051
220-33-01000N	REP-E	99-05-055	220-47-411	AMD-XA	99-12-097	220-52-07100K	REP-E	99-15-036
220-33-01000P	NEW-E	99-06-031	220-47-411	AMD-W	99-13-007	220-52-07100L	NEW-E	99-15-036
220-33-01000P	REP-E	99-06-031	220-47-411	AMD-XA	99-13-008	220-52-07100L	REP-E	99-17-005
220-33-01000Q	NEW-E	99-10-022	220-47-41100A	NEW-E	99-16-017	220-52-07100	NEW-E	99-17-005
220-33-01000Q	REP-E	99-10-022	220-47-412	REP-XA	99-11-097	220-52-07100	REP-E	99-17-047
220-33-01000R	NEW-E	99-14-016	220-47-412	REP-W	99-12-086	220-52-07100N	NEW-E	99-17-047
220-33-01000R	REP-E	99-14-016	220-47-412	REP-XA	99-12-097	220-52-07300J	REP-E	99-03-054
220-33-01000S	REP-E	99-16-052	220-47-412	REP-W	99-13-007	220-52-07300K	NEW-E	99-03-054
220-33-01000S	NEW-E	99-16-052	220-47-412	REP-XA	99-13-008	220-52-07300L	NEW-E	99-18-092
220-33-01000S	REP-E	99-18-024	220-47-41200A	NEW-E	99-16-017	220-52-07500B	NEW-E	99-10-050
220-33-01000T	NEW-E	99-18-024	220-47-427	AMD-XA	99-11-097	220-52-24000K	NEW-E	99-10-050

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-55-001	NEW	99-03-029	220-56-19100K	NEW-E	99-16-065	220-56-33000	REP-E	99-08-038
220-55-005	AMD	99-03-029	220-56-19100K	REP-E	99-18-090	220-56-33000N	NEW-E	99-08-038
220-55-010	AMD	99-03-029	220-56-195	AMD-XA	99-11-098	220-56-33000N	REP-E	99-08-058
220-55-015	AMD	99-03-029	220-56-195	AMD	99-15-081	220-56-33000P	NEW-E	99-08-058
220-55-040	AMD	99-03-029	220-56-19500B	REP-E	99-10-049	220-56-33000P	REP-E	99-11-014
220-55-050	AMD	99-03-029	220-56-19500B	NEW-E	99-10-049	220-56-33000Q	NEW-E	99-11-014
220-55-055	AMD	99-03-029	220-56-19500C	REP-E	99-14-048	220-56-33000Q	REP-E	99-12-075
220-55-05500A	NEW-E	99-06-007	220-56-19500C	NEW-E	99-14-048	220-56-33000R	NEW-E	99-12-075
220-55-060	AMD	99-03-029	220-56-19500D	NEW-E	99-16-055	220-56-33000R	REP-E	99-13-080
220-55-065	AMD	99-03-029	220-56-19500E	NEW-E	99-16-056	220-56-33000S	NEW-E	99-13-080
220-55-070	AMD	99-03-029	220-56-19500E	REP-E	99-18-090	220-56-33000S	REP-E	99-14-061
220-55-075	REP	99-03-029	220-56-199	REP-E	99-17-069	220-56-33000T	NEW-E	99-14-061
220-55-100	AMD	99-03-029	220-56-205	AMD-XA	99-11-098	220-56-33000T	REP-E	99-15-038
220-55-105	AMD	99-03-029	220-56-205	AMD	99-15-081	220-56-33000U	NEW-E	99-15-038
220-55-110	AMD	99-03-029	220-56-20500C	NEW-E	99-10-049	220-56-33000U	REP-E	99-17-006
220-55-115	AMD	99-03-029	220-56-20500C	REP-E	99-10-049	220-56-350	AMD	99-08-029
220-55-115	AMD-P	99-13-117	220-56-225	REP-XA	99-11-098	220-56-35000A	NEW-E	99-13-168
220-55-115	AMD	99-17-095	220-56-225	REP	99-15-081	220-56-35000A	REP-E	99-15-037
220-55-120	AMD	99-03-029	220-56-235	AMD-XA	99-11-098	220-56-35000B	NEW-E	99-15-037
220-55-125	AMD	99-03-029	220-56-235	AMD	99-15-081	220-56-35000B	REP-E	99-17-046
220-55-155	REP	99-03-029	220-56-23500C	REP-E	99-10-049	220-56-35000C	NEW-E	99-17-046
220-55-160	NEW	99-08-029	220-56-23500C	NEW-E	99-10-049	220-56-35000V	REP-E	99-07-008
220-56-100	AMD	99-08-029	220-56-245	REP-XA	99-11-098	220-56-35000	NEW-E	99-07-008
220-56-103	AMD	99-08-029	220-56-245	REP	99-15-081	220-56-35000	REP-E	99-09-034
220-56-105	AMD-XA	99-11-098	220-56-250	AMD-W	99-10-073	220-56-35000X	NEW-E	99-08-047
220-56-105	AMD	99-15-081	220-56-255	AMD	99-08-029	220-56-35000Y	NEW-E	99-09-034
220-56-10500B	REP-E	99-10-049	220-56-255	AMD-XA	99-11-098	220-56-35000Y	REP-E	99-11-038
220-56-10500B	NEW-E	99-10-049	220-56-255	AMD	99-15-081	220-56-35000Z	NEW-E	99-11-038
220-56-115	AMD-XA	99-11-098	220-56-25500H	REP-E	99-10-049	220-56-35000Z	REP-E	99-13-168
220-56-115	AMD	99-15-081	220-56-25500H	NEW-E	99-10-049	220-56-380	AMD	99-08-029
220-56-11500A	REP-E	99-10-049	220-56-25500H	REP-E	99-11-043	220-56-38000P	REP-E	99-07-008
220-56-11500A	NEW-E	99-10-049	220-56-25500I	NEW-E	99-11-043	220-56-38000Q	NEW-E	99-07-008
220-56-11500A	REP-E	99-14-048	220-56-25500I	REP-E	99-12-074	220-56-38000Q	REP-E	99-09-034
220-56-11500B	REP-E	99-14-048	220-56-25500J	NEW-E	99-12-074	220-56-38000R	NEW-E	99-09-034
220-56-11500B	NEW-E	99-14-048	220-56-25500J	REP-E	99-15-013	220-56-38000R	REP-E	99-11-038
220-56-11500B	REP-E	99-16-056	220-56-25500K	NEW-E	99-15-013	220-56-38000S	NEW-E	99-11-038
220-56-11500C	NEW-E	99-16-056	220-56-25500K	REP-E	99-18-054	220-56-38000S	REP-E	99-13-168
220-56-11500C	REP-E	99-18-090	220-56-25500L	NEW-E	99-18-054	220-56-38000T	NEW-E	99-13-168
220-56-123	AMD-XA	99-11-098	220-56-267	NEW	99-08-029	220-56-38000T	REP-E	99-15-037
220-56-123	AMD	99-15-081	220-56-270	AMD	99-08-029	220-56-38000U	NEW-E	99-15-037
220-56-124	AMD-XA	99-11-098	220-56-27000E	NEW-E	99-07-007	220-56-38000U	REP-E	99-17-046
220-56-124	AMD	99-15-081	220-56-28500S	NEW-E	99-07-006	220-56-38000V	NEW-E	99-17-046
220-56-12400E	NEW-E	99-10-049	220-56-28500S	REP-E	99-07-006	220-57-120	AMD-XA	99-11-098
220-56-12400E	REP-E	99-10-049	220-56-28500T	NEW-E	99-12-002	220-57-120	AMD	99-15-081
220-56-12400F	NEW-E	99-16-056	220-56-30500D	NEW-E	99-09-014	220-57-135	AMD-XA	99-11-098
220-56-12400F	REP-E	99-18-090	220-56-30500D	REP-E	99-13-059	220-57-135	AMD	99-15-081
220-56-12800B	NEW-E	99-12-002	220-56-30500E	NEW-E	99-13-059	220-57-13500V	NEW-E	99-10-049
220-56-145	AMD	99-08-029	220-56-30500F	NEW-E	99-14-051	220-57-13500V	REP-E	99-10-049
220-56-175	AMD-P	99-13-119	220-56-30700A	NEW-E	99-13-145	220-57-137	AMD-XA	99-11-098
220-56-175	AMD	99-17-066	220-56-310	AMD	99-08-029	220-57-137	AMD	99-15-081
220-56-185	AMD	99-08-029	220-56-310	AMD-XA	99-11-098	220-57-13701	AMD-XA	99-11-098
220-56-185	AMD-XA	99-11-098	220-56-310	AMD	99-15-081	220-57-13701	AMD	99-15-081
220-56-185	AMD	99-15-081	220-56-320	AMD	99-08-029	220-57-140	AMD-XA	99-11-098
220-56-190	AMD-XA	99-11-098	220-56-325	AMD-XA	99-11-098	220-57-140	AMD	99-15-081
220-56-190	AMD	99-15-081	220-56-325	AMD	99-15-081	220-57-14000V	NEW-E	99-10-049
220-56-19000A	NEW-E	99-18-090	220-56-32500A	NEW-E	99-12-073	220-57-14000V	REP-E	99-10-049
220-56-19000X	NEW-E	99-15-061	220-56-32500A	REP-E	99-12-073	220-57-145	AMD-XA	99-11-098
220-56-19000X	REP-E	99-18-090	220-56-32500B	NEW-E	99-16-030	220-57-145	AMD	99-15-081
220-56-19000Z	NEW-E	99-17-069	220-56-32500X	NEW-E	99-10-035	220-57-14500A	REP-E	99-10-049
220-56-191	AMD-XA	99-11-098	220-56-32500X	REP-E	99-10-035	220-57-14500A	NEW-E	99-10-049
220-56-191	AMD	99-15-081	220-56-32500Y	NEW-E	99-10-036	220-57-155	AMD-XA	99-11-098
220-56-19100G	REP-E	99-05-061	220-56-32500Y	REP-E	99-12-005	220-57-155	AMD	99-15-081
220-56-19100G	NEW-E	99-05-061	220-56-32500Z	NEW-E	99-12-005	220-57-160	AMD-XA	99-11-098
220-56-19100I	REP-E	99-10-049	220-56-32500Z	REP-E	99-16-030	220-57-160	AMD	99-15-081
220-56-19100I	NEW-E	99-10-049	220-56-330	AMD	99-08-029	220-57-16000R	NEW-E	99-07-006
220-56-19100J	NEW-E	99-16-056	220-56-33000L	REP-E	99-08-011	220-57-16000R	REP-E	99-10-021
220-56-19100J	REP-E	99-16-065	220-56-33000	NEW-E	99-08-011	220-57-16000S	REP-E	99-10-021

Table

TABLE

**Table of WAC Sections Affected**

<b>WAC #</b>	<b>ACTION</b>	<b>WSR #</b>	<b>WAC #</b>	<b>ACTION</b>	<b>WSR #</b>	<b>WAC #</b>	<b>ACTION</b>	<b>WSR #</b>
220-57-16000S	NEW-E	99-10-021	220-57-31000A	REP-E	99-12-044	220-57-430	AMD-XA	99-11-098
220-57-16000T	NEW-E	99-18-055	220-57-31000B	REP-E	99-12-044	220-57-430	AMD	99-15-081
220-57-165	AMD-XA	99-11-098	220-57-31000B	NEW-E	99-12-044	220-57-43000I	NEW-E	99-16-056
220-57-165	AMD	99-15-081	220-57-313	AMD-XA	99-11-098	220-57-43000I	REP-E	99-18-090
220-57-16500B	NEW-E	99-10-049	220-57-313	AMD	99-15-081	220-57-435	AMD-XA	99-11-098
220-57-16500B	REP-E	99-10-049	220-57-315	AMD-XA	99-11-098	220-57-435	AMD	99-15-081
220-57-175	AMD-XA	99-11-098	220-57-315	REP-E	99-12-044	220-57-440	AMD-XA	99-11-098
220-57-175	AMD	99-15-081	220-57-315	AMD	99-15-081	220-57-440	AMD	99-15-081
220-57-17500N	NEW-E	99-08-046	220-57-31500G	NEW-E	99-08-046	220-57-44000A	NEW-E	99-10-049
220-57-17500N	REP-E	99-12-044	220-57-31500H	REP-E	99-10-049	220-57-44000A	REP-E	99-10-049
220-57-17500P	NEW-E	99-10-049	220-57-31500H	NEW-E	99-10-049	220-57-450	AMD-XA	99-11-098
220-57-17500P	REP-E	99-10-049	220-57-31500H	REP-E	99-12-044	220-57-450	AMD	99-15-081
220-57-17500P	REP-E	99-12-046	220-57-31500I	REP-E	99-12-044	220-57-462	AMD-XA	99-11-098
220-57-17500Q	NEW-E	99-12-046	220-57-31500I	NEW-E	99-12-044	220-57-462	AMD	99-15-081
220-57-17500Q	REP-E	99-12-046	220-57-319	AMD-XA	99-11-098	220-57-465	AMD-XA	99-11-098
220-57-17500Q	REP-E	99-15-015	220-57-319	AMD	99-15-081	220-57-465	AMD	99-15-081
220-57-17500R	REP-E	99-15-015	220-57-31900T	NEW-E	99-08-046	220-57-470	AMD-XA	99-11-098
220-57-17500R	NEW-E	99-15-015	220-57-31900T	REP-E	99-12-044	220-57-470	AMD	99-15-081
220-57-187	AMD-XA	99-11-098	220-57-31900U	REP-E	99-10-049	220-57-480	AMD-XA	99-11-098
220-57-187	AMD	99-15-081	220-57-31900U	NEW-E	99-10-049	220-57-480	AMD	99-15-081
220-57-18700B	NEW-E	99-08-046	220-57-31900U	REP-E	99-12-044	220-57-495	AMD-XA	99-11-098
220-57-18700B	REP-E	99-12-044	220-57-31900V	NEW-E	99-12-044	220-57-495	AMD	99-15-081
220-57-18700C	REP-E	99-10-049	220-57-31900V	REP-E	99-12-044	220-57-50200A	NEW-E	99-13-145
220-57-18700C	NEW-E	99-10-049	220-57-31900V	REP-E	99-13-130	220-57-505	AMD-XA	99-11-098
220-57-200	AMD-XA	99-11-098	220-57-31900	NEW-E	99-13-130	220-57-505	AMD	99-15-081
220-57-200	AMD	99-15-081	220-57-31900	REP-E	99-13-130	220-57-50500C	NEW-E	99-08-046
220-57-20000N	REP-E	99-10-049	220-57-321	AMD-XA	99-11-098	220-57-50500C	REP-E	99-12-044
220-57-20000N	NEW-E	99-10-049	220-57-321	AMD	99-15-081	220-57-50500D	REP-E	99-10-049
220-57-220	REP-XA	99-11-098	220-57-32100C	REP-E	99-11-079	220-57-50500D	NEW-E	99-10-049
220-57-220	REP	99-15-081	220-57-32100C	NEW-E	99-11-079	220-57-50500D	REP-E	99-12-044
220-57-230	AMD-XA	99-11-098	220-57-335	AMD-XA	99-11-098	220-57-50500E	REP-E	99-12-044
220-57-230	AMD	99-15-081	220-57-335	AMD	99-15-081	220-57-50500E	NEW-E	99-12-044
220-57-235	AMD-XA	99-11-098	220-57-33500A	NEW-E	99-10-049	220-57-50500E	REP-E	99-13-130
220-57-235	AMD	99-15-081	220-57-33500A	REP-E	99-10-049	220-57-50500F	NEW-E	99-13-130
220-57-250	AMD-XA	99-11-098	220-57-340	AMD-XA	99-11-098	220-57-50500F	REP-E	99-13-130
220-57-250	AMD	99-15-081	220-57-340	AMD	99-15-081	220-57-510	AMD-XA	99-11-098
220-57-255	AMD-XA	99-11-098	220-57-34000I	NEW-E	99-10-049	220-57-510	AMD	99-15-081
220-57-255	AMD	99-15-081	220-57-34000I	REP-E	99-10-049	220-57-51000A	REP-E	99-10-049
220-57-25500C	NEW-E	99-08-046	220-57-341	NEW-XA	99-11-098	220-57-51000A	NEW-E	99-10-049
220-57-25500C	REP-E	99-12-044	220-57-341	NEW	99-15-081	220-57-515	AMD-XA	99-11-098
220-57-25500D	REP-E	99-10-049	220-57-342	AMD-XA	99-11-098	220-57-515	AMD	99-15-081
220-57-25500D	NEW-E	99-10-049	220-57-342	AMD	99-15-081	220-57-51500P	NEW-E	99-10-049
220-57-25500D	REP-E	99-12-044	220-57-34600A	REP-E	99-10-049	220-57-51500P	REP-E	99-10-049
220-57-25500E	REP-E	99-12-044	220-57-350	AMD-XA	99-11-098	220-57-51500P	REP-E	99-12-046
220-57-25500E	NEW-E	99-12-044	220-57-350	AMD	99-15-081	220-57-51500Q	REP-E	99-12-046
220-57-260	AMD-XA	99-11-098	220-57-355	AMD-XA	99-11-098	220-57-51500Q	NEW-E	99-12-046
220-57-260	AMD	99-15-081	220-57-355	AMD	99-15-081	220-57-51500Q	REP-E	99-13-099
220-57-270	AMD-XA	99-11-098	220-57-35500A	NEW-E	99-10-049	220-57-51500R	NEW-E	99-13-099
220-57-270	AMD	99-15-081	220-57-35500A	REP-E	99-10-049	220-57-520	AMD-XA	99-11-098
220-57-27000G	NEW-E	99-10-049	220-57-365	AMD-XA	99-11-098	220-57-520	AMD	99-15-081
220-57-27000G	REP-E	99-10-049	220-57-365	AMD	99-15-081	220-57-52000A	REP-E	99-10-049
220-57-27000G	REP-E	99-15-020	220-57-36500A	NEW-E	99-10-049	220-57-52000A	NEW-E	99-10-049
220-57-27000H	NEW-E	99-15-020	220-57-36500A	REP-E	99-10-049	220-57-525	AMD-XA	99-11-098
220-57-27000H	REP-E	99-15-020	220-57-380	AMD-XA	99-11-098	220-57-525	AMD	99-15-081
220-57-280	AMD-XA	99-11-098	220-57-380	AMD	99-15-081	220-57A-14500	NEW-E	99-18-004
220-57-280	AMD	99-15-081	220-57-38000A	NEW-E	99-16-056	220-69-236	NEW-P	99-13-119
220-57-285	AMD-XA	99-11-098	220-57-38000A	REP-E	99-18-090	220-69-236	NEW	99-17-066
220-57-285	AMD	99-15-081	220-57-405	AMD-XA	99-11-098	220-69-237	REP-P	99-13-119
220-57-29000	REP-E	99-13-146	220-57-405	AMD	99-15-081	220-69-237	REP	99-17-066
220-57-29000	NEW-E	99-13-146	220-57-40500A	NEW-E	99-10-049	220-69-238	REP-P	99-13-119
220-57-295	AMD-XA	99-11-098	220-57-40500A	REP-E	99-10-049	220-69-238	REP	99-17-066
220-57-295	AMD	99-15-081	220-57-40500B	NEW-E	99-16-056	220-69-239	REP-P	99-13-119
220-57-300	AMD-XA	99-11-098	220-57-40500B	REP-E	99-18-090	220-69-239	REP	99-17-066
220-57-300	AMD	99-15-081	220-57-415	AMD-XA	99-11-098	220-69-24000L	NEW-E	99-13-051
220-57-310	AMD-XA	99-11-098	220-57-415	AMD	99-15-081	220-72-076	AMD	99-10-061
220-57-310	AMD	99-15-081	220-57-425	AMD-XA	99-11-098	220-88A-06000	NEW-E	99-10-050
220-57-31000A	NEW-E	99-08-046	220-57-425	AMD	99-15-081	220-88A-07000	NEW-E	99-10-050

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-88A-07000	REP-E	99-13-131	222-12-090	AMD-E	99-16-080	226-01-050	NEW-P	99-13-156
220-88A-07000	NEW-E	99-13-131	222-16-010	AMD-E	99-07-075	226-01-050	NEW-E	99-13-157
220-88A-07000	REP-E	99-14-014	222-16-010	AMD-E	99-08-078	226-01-050	NEW	99-18-048
220-88A-07000	NEW-E	99-14-014	222-16-010	AMD-C	99-09-078	226-01-060	NEW-P	99-13-156
220-88A-07000	REP-E	99-15-019	222-16-010	AMD-E	99-16-081	226-01-060	NEW-E	99-13-157
220-88A-07000	NEW-E	99-15-019	222-16-030	AMD-E	99-07-074	226-01-060	NEW	99-18-048
220-88A-07000	REP-E	99-17-004	222-16-030	AMD-E	99-08-077	226-01-070	NEW-P	99-13-156
220-88A-07000	NEW-E	99-17-004	222-16-030	AMD-C	99-09-078	226-01-070	NEW-E	99-13-157
220-88A-07000	REP-E	99-17-015	222-16-030	AMD-E	99-16-080	226-01-070	NEW	99-18-048
220-88A-07000	NEW-E	99-17-015	222-16-050	AMD-E	99-07-075	226-02-010	NEW-P	99-13-156
220-88A-07000	REP-E	99-17-099	222-16-050	AMD-E	99-08-078	226-02-010	NEW-E	99-13-157
220-88A-07000	NEW-E	99-17-099	222-16-050	AMD-C	99-09-078	226-02-010	NEW	99-18-048
220-88A-07000	REP-E	99-17-099	222-16-050	AMD-E	99-16-081	226-02-020	NEW-P	99-13-156
220-88A-07000	NEW-E	99-17-099	222-16-050	AMD-E	99-07-075	226-02-020	NEW-E	99-13-157
220-88A-08000	REP-E	99-10-050	222-16-080	AMD-E	99-07-075	226-02-020	NEW	99-18-048
220-88A-08000	NEW-E	99-09-036	222-16-080	AMD-E	99-16-081	226-02-030	NEW-P	99-13-156
220-88A-08000	REP-E	99-10-050	222-16-080	AMD-E	99-08-078	226-02-030	NEW-E	99-13-157
220-88A-08000	NEW-E	99-10-050	222-16-088	NEW-E	99-07-075	226-02-030	NEW	99-18-048
220-88A-08000	REP-E	99-16-032	222-16-088	NEW-E	99-08-078	226-02-030	NEW-E	99-13-157
220-88A-08000	NEW-E	99-16-032	222-16-088	NEW-E	99-16-081	226-02-040	NEW-P	99-13-156
220-88A-08000	REP-E	99-18-005	222-20-010	AMD-C	99-09-078	226-02-040	NEW-E	99-13-157
220-88A-08000	NEW-E	99-18-005	222-20-015	NEW-C	99-09-078	226-02-040	NEW	99-18-048
220-88B-010	REP-E	99-04-053	222-20-020	AMD-C	99-09-078	226-02-050	NEW-P	99-13-156
220-88B-020	REP-E	99-04-053	222-20-070	AMD-C	99-09-078	226-02-050	NEW-E	99-13-157
220-88B-030	REP-E	99-04-053	222-22-010	AMD-C	99-09-078	226-02-050	NEW	99-18-048
220-88B-040	REP-E	99-04-053	222-22-030	AMD-C	99-09-078	226-02-060	NEW-P	99-13-156
220-88B-050	REP-E	99-04-053	222-22-035	NEW-C	99-09-078	226-02-060	NEW-E	99-13-157
220-110-204	AMD-XA	99-05-023	222-22-040	AMD-C	99-09-078	226-02-060	NEW	99-18-048
220-110-204	AMD	99-10-048	222-22-050	AMD-C	99-09-078	226-02-070	NEW-P	99-13-156
220-110-205	AMD-XA	99-05-023	222-22-060	AMD-C	99-09-078	226-02-070	NEW-E	99-13-157
220-110-205	AMD	99-10-048	222-22-065	NEW-C	99-09-078	226-02-070	NEW	99-18-048
220-130	AMD-P	99-05-075	222-22-070	AMD-C	99-09-078	226-02-080	NEW-P	99-13-156
220-130	AMD	99-11-004	222-22-075	NEW-C	99-09-078	226-02-080	NEW-E	99-13-157
220-130-010	AMD-P	99-05-075	222-22-076	NEW-C	99-09-078	226-02-080	NEW	99-18-048
220-130-010	AMD	99-11-004	222-22-090	AMD-C	99-09-078	226-02-090	NEW-P	99-13-156
220-130-020	AMD-P	99-05-075	222-24-010	AMD-C	99-09-078	226-02-090	NEW-E	99-13-157
220-130-020	AMD	99-11-004	222-24-020	AMD-C	99-09-078	226-02-090	NEW	99-18-048
220-130-030	AMD-P	99-05-075	222-24-030	AMD-C	99-09-078	226-02-100	NEW-P	99-13-156
220-130-030	AMD	99-11-004	222-24-035	AMD-C	99-09-078	226-02-100	NEW-E	99-13-157
220-130-040	AMD-P	99-05-075	222-24-040	AMD-C	99-09-078	226-02-100	NEW	99-18-048
220-130-040	AMD	99-11-004	222-24-050	AMD-E	99-07-075	226-02-110	NEW-P	99-13-156
220-130-050	AMD-P	99-05-075	222-24-050	AMD-E	99-08-078	226-02-110	NEW-E	99-13-157
220-130-050	AMD	99-11-004	222-24-050	AMD-C	99-09-078	226-02-110	NEW	99-18-048
220-130-060	AMD-P	99-05-075	222-24-050	AMD-E	99-16-081	226-12-010	NEW-P	99-13-156
220-130-060	AMD	99-11-004	222-24-060	AMD-C	99-09-078	226-12-010	NEW-E	99-13-157
220-130-070	AMD-P	99-05-075	222-30-010	AMD-C	99-09-078	226-12-010	NEW	99-18-048
220-130-070	AMD	99-11-004	222-30-020	AMD-C	99-09-078	226-12-040	NEW-P	99-13-156
220-130-080	NEW-P	99-05-075	222-30-040	AMD-E	99-07-075	226-12-040	NEW-E	99-13-157
220-130-080	NEW	99-11-004	222-30-040	AMD-E	99-08-078	226-12-040	NEW	99-18-048
220-140-050	AMD-P	99-13-054	222-30-040	AMD-E	99-16-081	226-12-080	NEW-P	99-13-156
220-140-050	AMD	99-17-096	222-30-070	AMD-C	99-09-078	226-12-080	NEW-E	99-13-157
222-08-035	AMD-C	99-09-078	222-38-020	AMD-C	99-09-078	226-12-080	NEW	99-18-048
222-10-020	NEW-E	99-07-075	222-38-030	AMD-C	99-09-078	226-16-010	NEW-P	99-13-156
222-10-020	NEW-E	99-08-078	222-46-055	NEW-C	99-09-078	226-16-010	NEW-E	99-13-157
222-10-020	NEW-C	99-09-078	222-46-060	AMD-C	99-09-078	226-16-010	NEW	99-18-048
222-10-020	NEW-E	99-16-081	222-46-065	AMD-C	99-09-078	226-16-020	NEW-P	99-13-156
222-10-030	NEW-C	99-09-078	226-01-010	NEW-P	99-13-156	226-16-020	NEW-E	99-13-157
222-10-040	AMD-E	99-07-075	226-01-010	NEW-E	99-13-157	226-16-020	NEW	99-18-048
222-10-040	AMD-E	99-08-078	226-01-010	NEW	99-18-048	226-16-040	NEW-P	99-13-156
222-10-040	AMD-E	99-16-081	226-01-020	NEW-P	99-13-156	226-16-040	NEW-E	99-13-157
222-10-043	NEW-E	99-07-075	226-01-020	NEW-E	99-13-157	226-16-040	NEW	99-18-048
222-10-043	NEW-E	99-08-078	226-01-020	NEW	99-18-048	226-16-050	NEW-P	99-13-156
222-10-043	NEW-E	99-16-081	226-01-030	NEW-P	99-13-156	226-16-050	NEW-E	99-13-157
222-12-044	NEW-C	99-09-078	226-01-030	NEW-E	99-13-157	226-16-050	NEW	99-18-048
222-12-045	AMD-C	99-09-078	226-01-030	NEW	99-18-048	226-16-100	NEW-P	99-13-156
222-12-090	AMD-E	99-07-074	226-01-040	NEW-P	99-13-156	226-16-100	NEW-E	99-13-157
222-12-090	AMD-E	99-08-077	226-01-040	NEW-E	99-13-157	226-16-100	NEW	99-18-048
222-12-090	AMD-C	99-09-078	226-01-040	NEW	99-18-048	226-16-110	NEW-P	99-13-156

Table



Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
226-16-110	NEW-E	99-13-157	230-20-230	AMD-P	99-08-094	232-12-047	AMD-P	99-05-064
226-16-110	NEW	99-18-048	230-20-230	AMD	99-11-078	232-12-047	AMD-W	99-10-112
226-16-150	NEW-P	99-13-156	230-20-242	AMD-P	99-08-094	232-12-054	AMD-P	99-05-064
226-16-150	NEW-E	99-13-157	230-20-242	AMD	99-11-078	232-12-054	AMD-W	99-10-112
226-16-150	NEW	99-18-048	230-40-010	AMD-P	99-08-093	232-12-068	AMD-P	99-13-194
226-16-160	NEW-P	99-13-156	230-40-010	AMD	99-13-103	232-12-068	AMD	99-17-034
226-16-160	NEW-E	99-13-157	230-40-015	AMD-P	99-08-093	232-12-069	REP	99-03-029
226-16-160	NEW	99-18-048	230-40-030	AMD-P	99-08-093	232-12-072	NEW	99-03-029
226-16-170	NEW-P	99-13-156	230-40-050	AMD-P	99-08-093	232-12-072	AMD-P	99-13-054
226-16-170	NEW-E	99-13-157	230-40-060	REP-P	99-08-093	232-12-072	AMD	99-17-096
226-16-170	NEW	99-18-048	230-40-070	AMD-P	99-08-093	232-12-134	AMD-P	99-13-194
226-16-180	NEW-P	99-13-156	230-40-120	AMD-P	99-08-093	232-12-134	AMD	99-17-034
226-16-180	NEW-E	99-13-157	230-40-125	AMD-P	99-08-093	232-12-137	REP-P	99-13-194
226-16-180	NEW	99-18-048	230-40-125	REP-P	99-09-096	232-12-137	REP	99-17-034
226-16-200	NEW-P	99-13-156	230-40-125	AMD-P	99-09-096	232-12-141	AMD-P	99-13-194
226-16-200	NEW-E	99-13-157	230-40-125	AMD	99-13-102	232-12-141	AMD	99-17-034
226-16-200	NEW	99-18-048	230-40-130	AMD-P	99-08-093	232-12-157	AMD	99-03-029
226-20-010	NEW-P	99-13-156	230-40-150	REP-P	99-08-093	232-12-157	REP-P	99-13-119
226-20-010	NEW-E	99-13-157	230-40-160	REP-P	99-08-093	232-12-157	REP	99-17-066
226-20-010	NEW	99-18-048	230-40-200	AMD-P	99-08-093	232-12-166	AMD	99-03-029
226-20-020	NEW-P	99-13-156	230-40-225	AMD-P	99-08-093	232-12-189	AMD	99-03-029
226-20-020	NEW-E	99-13-157	230-40-400	AMD-P	99-08-093	232-12-241	REP	99-03-029
226-20-020	NEW	99-18-048	230-40-550	NEW-P	99-08-093	232-12-242	AMD-P	99-13-194
226-20-030	NEW-P	99-13-156	230-40-552	NEW-P	99-08-093	232-12-242	AMD-W	99-16-001
226-20-030	NEW-E	99-13-157	230-40-554	NEW-P	99-08-093	232-12-257	AMD-P	99-13-194
226-20-030	NEW	99-18-048	230-40-556	NEW-P	99-08-093	232-12-261	AMD-P	99-13-194
226-20-040	NEW-P	99-13-156	230-40-558	NEW-P	99-08-093	232-12-261	AMD	99-17-034
226-20-040	NEW-E	99-13-157	230-40-560	NEW-P	99-08-093	232-12-264	AMD-P	99-13-194
226-20-040	NEW	99-18-048	230-40-562	NEW-P	99-08-093	232-12-264	AMD	99-17-034
226-20-050	NEW-P	99-13-156	230-40-564	NEW-P	99-08-093	232-12-291	AMD-P	99-13-194
226-20-050	NEW-E	99-13-157	230-40-566	NEW-P	99-08-093	232-12-291	AMD	99-17-034
226-20-050	NEW	99-18-048	230-40-568	NEW-P	99-08-093	232-12-31500F	NEW-E	99-08-063
226-20-060	NEW-P	99-13-156	230-40-600	NEW-P	99-08-093	232-12-619	AMD	99-03-029
226-20-060	NEW-E	99-13-157	230-40-610	NEW-P	99-08-093	232-12-619	AMD	99-08-029
226-20-060	NEW	99-18-048	230-40-800	NEW-P	99-08-093	232-12-619	AMD-XA	99-11-098
230-02-109	NEW-P	99-08-093	230-40-810	NEW-P	99-08-093	232-12-619	AMD	99-15-081
230-02-110	AMD-P	99-08-093	230-40-815	NEW-P	99-08-093	232-12-61900D	NEW-E	99-13-058
230-02-145	NEW-P	99-08-094	230-40-820	NEW-P	99-08-093	232-12-61900D	REP-E	99-13-058
230-02-145	NEW	99-11-078	230-40-825	NEW-P	99-08-093	232-12-830	NEW	99-03-029
230-02-380	AMD-P	99-13-206	230-40-830	NEW-P	99-08-093	232-16-140	AMD-P	99-13-194
230-02-400	REP-P	99-08-093	230-40-833	NEW-P	99-08-093	232-16-140	AMD	99-17-034
230-02-425	AMD-P	99-08-093	230-40-835	NEW-P	99-08-093	232-16-680	REP-P	99-13-194
230-04-020	AMD-P	99-13-205	230-40-840	NEW-P	99-08-093	232-16-680	REP	99-17-034
230-04-020	AMD	99-18-003	230-40-845	NEW-P	99-08-093	232-16-690	AMD-P	99-13-194
230-04-022	AMD-P	99-08-093	230-40-850	NEW-P	99-08-093	232-16-690	AMD	99-18-017
230-04-080	AMD-P	99-13-206	230-40-855	NEW-P	99-08-093	232-16-810	AMD-P	99-05-063
230-04-080	AMD	99-18-002	230-40-860	NEW-P	99-08-093	232-16-810	AMD	99-10-102
230-04-140	AMD-P	99-08-093	230-40-865	NEW-P	99-08-093	232-21-101	REP	99-05-024
230-04-203	AMD-P	99-08-093	230-40-870	NEW-P	99-08-093	232-28-02201	AMD-P	99-05-063
230-04-204	AMD-P	99-08-093	230-40-875	NEW-P	99-08-093	232-28-02201	AMD	99-10-102
230-04-207	NEW-P	99-08-093	230-40-880	NEW-P	99-08-093	232-28-02203	AMD-P	99-05-063
230-08-027	NEW-P	99-08-093	230-40-885	NEW-P	99-08-093	232-28-02203	AMD	99-10-102
230-08-040	AMD-P	99-08-093	230-40-890	NEW-P	99-08-093	232-28-02204	AMD-P	99-05-063
230-08-090	AMD-P	99-08-093	230-40-900	REP-P	99-08-093	232-28-02204	AMD	99-10-102
230-12-027	NEW-P	99-18-109	230-46-020	AMD-P	99-18-077	232-28-02205	AMD-P	99-05-063
230-12-030	AMD-P	99-18-109	230-46-035	NEW-P	99-18-077	232-28-02205	AMD	99-10-102
230-12-050	AMD-P	99-08-093	230-46-045	NEW-P	99-18-077	232-28-02240	AMD-P	99-05-063
230-12-072	NEW-P	99-08-093	230-50-010	AMD-P	99-08-093	232-28-02240	AMD	99-10-102
230-12-345	NEW-P	99-08-093	230-60-025	AMD-P	99-13-205	232-28-20401	REP-P	99-13-194
230-12-345	NEW	99-12-082	230-60-025	AMD	99-18-003	232-28-20401	REP	99-17-034
230-20-058	NEW	99-03-103	232-12-001	AMD	99-03-029	232-28-248	AMD-P	99-05-063
230-20-115	AMD-P	99-08-094	232-12-001	AMD	99-08-029	232-28-248	AMD	99-10-102
230-20-115	AMD	99-11-078	232-12-017	AMD	99-08-024	232-28-259	AMD-P	99-13-194
230-20-125	AMD-P	99-08-094	232-12-01701	AMD	99-08-024	232-28-259	AMD	99-17-034
230-20-125	AMD	99-11-078	232-12-018	AMD	99-08-029	232-28-264	AMD-P	99-05-063
230-20-192	AMD-P	99-18-077	232-12-024	AMD-P	99-13-194	232-28-264	AMD	99-10-102
230-20-210	REP-P	99-18-109	232-12-024	AMD	99-17-034	232-28-264	AMD-P	99-13-194

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
232-28-264	AMD	99-17-034	236-12-500	PREP	99-08-086	236-48-083	AMD-XA	99-10-069
232-28-271	AMD-P	99-05-063	236-12-500	AMD-P	99-15-031	236-48-083	AMD	99-15-070
232-28-271	AMD	99-10-102	236-20-020	AMD-XA	99-13-167	236-48-084	REP-XR	99-10-068
232-28-273	AMD-P	99-05-063	236-20-020	AMD	99-18-029	236-48-084	REP	99-13-138
232-28-273	AMD	99-10-102	236-20-030	AMD-XA	99-13-167	236-48-085	AMD-XA	99-10-069
232-28-280	AMD-P	99-05-063	236-20-030	AMD	99-18-029	236-48-085	AMD	99-15-070
232-28-280	AMD	99-10-102	236-20-040	AMD-XA	99-13-167	236-48-093	REP-XR	99-10-068
232-28-281	AMD-P	99-05-063	236-20-040	AMD	99-18-029	236-48-093	REP	99-13-138
232-28-281	AMD	99-10-102	236-47-001	REP	99-06-001	236-48-094	AMD-XA	99-10-069
232-28-281	AMD-P	99-13-194	236-47-002	REP	99-06-001	236-48-094	AMD	99-15-070
232-28-281	AMD	99-17-034	236-47-003	REP	99-06-001	236-48-096	AMD-XA	99-10-069
232-28-28100A	REP-E	99-17-082	236-47-004	REP	99-06-001	236-48-096	AMD	99-15-070
232-28-28100A	NEW-E	99-17-082	236-47-005	REP	99-06-001	236-48-097	REP-XR	99-10-068
232-28-422	REP-P	99-13-194	236-47-006	REP	99-06-001	236-48-097	REP	99-13-138
232-28-422	REP	99-17-034	236-47-007	REP	99-06-001	236-48-098	AMD-XA	99-10-069
232-28-423	NEW-P	99-13-194	236-47-008	REP	99-06-001	236-48-098	AMD	99-15-070
232-28-423	NEW	99-18-017	236-47-009	REP	99-06-001	236-48-099	AMD-XA	99-10-069
232-28-619	AMD	99-08-029	236-47-010	REP	99-06-001	236-48-099	AMD	99-15-070
232-28-619	AMD-XA	99-11-098	236-47-011	REP	99-06-001	236-48-101	REP-XR	99-10-068
232-28-619	AMD	99-15-081	236-47-012	REP	99-06-001	236-48-101	REP	99-13-138
232-28-61900B	NEW-E	99-04-060	236-47-013	REP	99-06-001	236-48-111	AMD-XA	99-10-069
232-28-61900B	REP-E	99-04-060	236-47-014	REP	99-06-001	236-48-111	AMD	99-15-070
232-28-61900C	NEW-E	99-06-020	236-47-015	REP	99-06-001	236-48-121	AMD-XA	99-10-069
232-28-61900D	NEW-E	99-07-006	236-47-016	REP	99-06-001	236-48-121	AMD	99-15-070
232-28-61900D	REP-E	99-07-006	236-47-017	REP	99-06-001	236-48-122	AMD-XA	99-10-069
232-28-61900E	NEW-E	99-08-046	236-48-003	AMD-XA	99-10-069	236-48-122	AMD	99-15-070
232-28-61900E	REP-E	99-08-046	236-48-003	AMD	99-15-070	236-48-123	AMD-XA	99-10-069
232-28-61900E	REP-E	99-12-044	236-48-005	REP-XR	99-10-068	236-48-123	AMD	99-15-070
232-28-61900F	NEW-E	99-09-015	236-48-005	REP	99-13-138	236-48-124	AMD-XA	99-10-069
232-28-61900F	REP-E	99-09-015	236-48-009	REP-XR	99-10-068	236-48-124	AMD	99-15-070
232-28-61900G	NEW-E	99-10-049	236-48-009	REP	99-13-138	236-48-132	AMD-XA	99-10-069
232-28-61900G	REP-E	99-10-049	236-48-011	AMD-XA	99-10-069	236-48-132	AMD	99-15-070
232-28-61900G	REP-E	99-12-044	236-48-011	AMD	99-15-070	236-48-141	AMD-XA	99-10-069
232-28-61900H	NEW-E	99-11-044	236-48-012	AMD-XA	99-10-069	236-48-141	AMD	99-15-070
232-28-61900H	REP-E	99-11-044	236-48-012	AMD	99-15-070	236-48-142	AMD-XA	99-10-069
232-28-61900I	NEW-E	99-12-002	236-48-013	AMD-XA	99-10-069	236-48-142	AMD	99-15-070
232-28-61900I	NEW-E	99-12-001	236-48-013	AMD	99-15-070	236-48-143	AMD-XA	99-10-069
232-28-61900K	NEW-E	99-12-044	236-48-021	AMD-XA	99-10-069	236-48-143	AMD	99-15-070
232-28-61900K	REP-E	99-12-044	236-48-021	AMD	99-15-070	236-48-151	REP-XR	99-10-068
232-28-61900K	REP-E	99-13-130	236-48-023	REP-XR	99-10-068	236-48-151	REP	99-13-138
232-28-61900L	NEW-E	99-12-019	236-48-023	REP	99-13-138	236-48-152	AMD-XA	99-10-069
232-28-61900L	REP-E	99-12-019	236-48-024	AMD-XA	99-10-069	236-48-153	AMD-XA	99-10-069
232-28-61900	NEW-E	99-12-046	236-48-024	AMD	99-15-070	236-48-153	AMD	99-15-070
232-28-61900	REP-E	99-12-046	236-48-025	AMD-XA	99-10-069	236-48-155	REP-XR	99-10-068
232-28-61900	REP-E	99-13-099	236-48-025	AMD	99-15-070	236-48-155	REP	99-13-138
232-28-61900N	NEW-E	99-13-099	236-48-026	REP-XR	99-10-068	236-48-162	REP-XR	99-10-068
232-28-61900P	NEW-E	99-13-145	236-48-026	REP	99-13-138	236-48-162	REP	99-13-138
232-28-61900Q	REP-E	99-18-091	236-48-035	AMD-XA	99-10-069	236-48-163	REP-XR	99-10-068
232-28-61900Q	NEW-E	99-18-091	236-48-035	AMD	99-15-070	236-48-163	REP	99-13-138
232-32-010	REP-P	99-05-076	236-48-036	AMD-XA	99-10-069	236-48-164	REP-XR	99-10-068
232-32-010	REP	99-11-003	236-48-036	AMD	99-15-070	236-48-164	REP	99-13-138
232-32-020	REP-P	99-05-076	236-48-041	REP-XR	99-10-068	236-48-165	AMD-XA	99-10-069
232-32-020	REP	99-11-003	236-48-041	REP	99-13-138	236-48-165	AMD	99-15-070
232-32-030	REP-P	99-05-076	236-48-051	REP-XR	99-10-068	236-48-166	AMD-XA	99-10-069
232-32-030	REP	99-11-003	236-48-051	REP	99-13-138	236-48-166	AMD	99-15-070
232-32-040	REP-P	99-05-076	236-48-052	REP-XR	99-10-068	236-48-167	AMD-XA	99-10-069
232-32-040	REP	99-11-003	236-48-052	REP	99-13-138	236-48-167	AMD	99-15-070
232-32-050	REP-P	99-05-076	236-48-061	REP-XR	99-10-068	236-48-190	AMD-XA	99-10-069
232-32-050	REP	99-11-003	236-48-061	REP	99-13-138	236-48-190	AMD	99-15-070
232-32-060	REP-P	99-05-076	236-48-071	AMD-XA	99-10-069	236-48-230	AMD-XA	99-10-069
232-32-060	REP	99-11-003	236-48-071	AMD	99-15-070	236-48-230	AMD	99-15-070
232-32-070	REP-P	99-05-076	236-48-079	AMD-XA	99-10-069	236-48-250	AMD-XA	99-10-069
232-32-070	REP	99-11-003	236-48-079	AMD	99-15-070	236-48-250	AMD	99-15-070
236-12-065	PREP	99-08-086	236-48-081	REP-XR	99-10-068	236-48-251	AMD-XA	99-10-069
236-12-065	REP-P	99-15-031	236-48-081	REP	99-13-138	236-48-251	AMD	99-15-070
236-12-470	PREP	99-08-086	236-48-082	REP-XR	99-10-068	236-48-252	AMD-XA	99-10-069
236-12-470	AMD-P	99-15-031	236-48-082	REP	99-13-138	236-48-252	AMD	99-15-070

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
236-48-253	AMD-XA	99-10-069	246-25-120	RECOD	99-04-049	246-217-060	AMD-P	99-08-097
236-48-253	AMD	99-15-070	246-25-125	RECOD	99-04-049	246-217-060	AMD	99-13-019
236-48-254	REP-XR	99-10-068	246-25-130	RECOD	99-04-049	246-217-070	AMD-P	99-08-097
236-48-254	REP	99-13-138	246-25-131	RECOD	99-04-049	246-217-070	AMD	99-13-019
236-48-300	REP-XR	99-10-068	246-25-135	RECOD	99-04-049	246-220-010	AMD-P	99-12-130
236-48-300	REP	99-13-138	246-25-140	RECOD	99-04-049	246-220-010	AMD	99-15-105
236-49-001	AMD-XA	99-10-069	246-25-145	RECOD	99-04-049	246-220-110	REP-P	99-12-130
236-49-001	AMD	99-15-070	246-25-150	RECOD	99-04-049	246-220-110	REP	99-15-105
236-49-010	AMD-XA	99-10-069	246-25-155	RECOD	99-04-049	246-220-120	REP-P	99-12-130
236-49-010	AMD	99-15-070	246-25-160	RECOD	99-04-049	246-220-120	REP	99-15-105
236-49-020	AMD-XA	99-10-069	246-25-165	RECOD	99-04-049	246-221-005	AMD-P	99-12-130
236-49-020	AMD	99-15-070	246-25-170	RECOD	99-04-049	246-221-005	AMD	99-15-105
236-49-030	REP-XR	99-10-068	246-25-175	RECOD	99-04-049	246-221-160	AMD-P	99-12-130
236-49-030	REP	99-13-138	246-25-180	RECOD	99-04-049	246-221-160	AMD	99-15-105
236-49-040	REP-XR	99-10-068	246-100-016	AMD-P	99-12-083	246-221-170	AMD-P	99-12-130
236-49-040	REP	99-13-138	246-100-016	AMD	99-17-077	246-221-170	AMD	99-15-105
236-49-055	AMD-XA	99-10-069	246-100-036	AMD-P	99-12-083	246-221-260	AMD-P	99-12-130
236-49-055	AMD	99-15-070	246-100-036	AMD	99-17-077	246-221-260	AMD	99-15-105
236-49-060	AMD-XA	99-10-069	246-100-041	AMD-P	99-12-083	246-221-265	AMD	99-05-013
236-49-060	AMD	99-15-070	246-100-041	AMD	99-17-077	246-221-280	AMD	99-05-012
236-49-061	REP-XR	99-10-068	246-100-042	AMD-XA	99-06-091	246-222-030	AMD	99-05-012
236-49-061	REP	99-13-138	246-100-042	AMD	99-11-037	246-231-001	NEW-P	99-12-130
240-10-030	AMD-P	99-08-109	246-100-043	NEW-P	99-12-083	246-231-001	NEW	99-15-105
240-10-030	AMD	99-14-022	246-100-043	NEW	99-17-077	246-231-005	NEW-P	99-12-130
245-02-010	DECOD	99-04-049	246-100-072	AMD-P	99-12-083	246-231-005	NEW	99-15-105
245-02-020	DECOD	99-04-049	246-100-072	AMD	99-17-077	246-231-010	NEW-P	99-12-130
245-02-025	DECOD	99-04-049	246-100-076	AMD-P	99-12-083	246-231-010	NEW	99-15-105
245-02-030	DECOD	99-04-049	246-100-076	AMD	99-17-077	246-231-030	NEW-P	99-12-130
245-02-035	DECOD	99-04-049	246-100-206	AMD-P	99-12-083	246-231-030	NEW	99-15-105
245-02-040	DECOD	99-04-049	246-100-206	AMD	99-17-077	246-231-040	NEW-P	99-12-130
245-02-045	DECOD	99-04-049	246-100-207	AMD-P	99-12-083	246-231-040	NEW	99-15-105
245-02-050	DECOD	99-04-049	246-100-207	AMD	99-17-077	246-231-050	NEW-P	99-12-130
245-02-100	DECOD	99-04-049	246-100-208	AMD-P	99-12-083	246-231-050	NEW	99-15-105
245-02-110	DECOD	99-04-049	246-100-208	AMD	99-17-077	246-231-060	NEW-P	99-12-130
245-02-115	DECOD	99-04-049	246-100-209	AMD-P	99-12-083	246-231-060	NEW	99-15-105
245-02-120	DECOD	99-04-049	246-100-209	AMD	99-17-077	246-231-070	NEW-P	99-12-130
245-02-125	DECOD	99-04-049	246-100-236	AMD-P	99-12-083	246-231-070	NEW	99-15-105
245-02-130	DECOD	99-04-049	246-100-236	AMD	99-17-077	246-231-080	NEW-P	99-12-130
245-02-131	DECOD	99-04-049	246-205-990	AMD-P	99-07-120	246-231-080	NEW	99-15-105
245-02-135	DECOD	99-04-049	246-205-990	AMD	99-12-022	246-231-090	NEW-P	99-12-130
245-02-140	DECOD	99-04-049	246-217	AMD	99-13-019	246-231-090	NEW	99-15-105
245-02-145	DECOD	99-04-049	246-217-001	REP-P	99-08-097	246-231-100	NEW-P	99-12-130
245-02-150	DECOD	99-04-049	246-217-001	REP	99-13-019	246-231-100	NEW	99-15-105
245-02-155	DECOD	99-04-049	246-217-002	REP-P	99-08-097	246-231-110	NEW-P	99-12-130
245-02-160	DECOD	99-04-049	246-217-002	REP	99-13-019	246-231-110	NEW	99-15-105
245-02-165	DECOD	99-04-049	246-217-005	NEW-P	99-08-097	246-231-120	NEW-P	99-12-130
245-02-170	DECOD	99-04-049	246-217-005	NEW	99-13-019	246-231-120	NEW	99-15-105
245-02-175	DECOD	99-04-049	246-217-010	AMD-P	99-08-097	246-231-130	NEW-P	99-12-130
245-02-180	DECOD	99-04-049	246-217-010	AMD	99-13-019	246-231-130	NEW	99-15-105
246-05-001	REP	99-03-062	246-217-011	REP-P	99-08-097	246-231-140	NEW-P	99-12-130
246-05-010	REP	99-03-062	246-217-011	REP	99-13-019	246-231-140	NEW	99-15-105
246-05-020	REP	99-03-063	246-217-015	NEW-P	99-08-097	246-231-200	NEW-P	99-12-130
246-05-030	REP	99-03-062	246-217-015	NEW	99-13-019	246-231-200	NEW	99-15-105
246-08-400	AMD-P	99-10-078	246-217-020	REP-P	99-08-097	246-232-001	AMD-P	99-12-130
246-08-400	AMD	99-13-083	246-217-020	REP	99-13-019	246-232-001	AMD	99-15-105
246-25	PREP	99-04-050	246-217-025	NEW-P	99-08-097	246-232-040	AMD-P	99-12-130
246-25-010	RECOD	99-04-049	246-217-025	NEW	99-13-019	246-232-040	AMD	99-15-105
246-25-020	RECOD	99-04-049	246-217-030	REP-P	99-08-097	246-232-060	AMD-P	99-12-130
246-25-025	RECOD	99-04-049	246-217-030	REP	99-13-019	246-232-060	AMD	99-15-105
246-25-030	RECOD	99-04-049	246-217-035	NEW-P	99-08-097	246-232-090	AMD-P	99-12-130
246-25-035	RECOD	99-04-049	246-217-035	NEW	99-13-019	246-232-090	AMD	99-15-105
246-25-040	RECOD	99-04-049	246-217-040	REP-P	99-08-097	246-235-075	AMD-P	99-12-130
246-25-045	RECOD	99-04-049	246-217-040	REP	99-13-019	246-235-075	AMD	99-15-105
246-25-050	RECOD	99-04-049	246-217-045	NEW-P	99-08-097	246-243-040	AMD	99-05-012
246-25-100	RECOD	99-04-049	246-217-045	NEW	99-13-019	246-243-090	AMD	99-05-012
246-25-110	RECOD	99-04-049	246-217-050	REP-P	99-08-097	246-244-040	AMD-P	99-12-130
246-25-115	RECOD	99-04-049	246-217-050	REP	99-13-019	246-244-040	AMD	99-15-105

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-244-060	AMD-P	99-12-130	246-290-638	AMD	99-07-021	246-318-510	REP	99-04-052
246-244-060	AMD	99-15-105	246-290-640	AMD	99-07-021	246-318-520	REP	99-04-052
246-254-053	AMD-P	99-09-099	246-290-650	AMD	99-07-021	246-318-530	REP	99-04-052
246-254-053	AMD	99-13-085	246-290-652	AMD	99-07-021	246-318-540	REP	99-04-052
246-254-070	AMD-P	99-07-120	246-290-654	AMD	99-07-021	246-318-550	REP	99-04-052
246-254-070	AMD	99-12-022	246-290-660	AMD	99-07-021	246-318-560	REP	99-04-052
246-254-080	AMD-P	99-07-120	246-290-662	AMD	99-07-021	246-318-570	REP	99-04-052
246-254-080	AMD	99-12-022	246-290-664	AMD	99-07-021	246-318-580	REP	99-04-052
246-254-090	AMD-P	99-07-120	246-290-666	AMD	99-07-021	246-318-590	REP	99-04-052
246-254-090	AMD	99-12-022	246-290-668	AMD	99-07-021	246-318-600	REP	99-04-052
246-254-100	AMD-P	99-07-120	246-290-670	AMD	99-07-021	246-318-610	REP	99-04-052
246-254-100	AMD	99-12-022	246-290-672	AMD	99-07-021	246-318-620	REP	99-04-052
246-282-990	AMD-P	99-07-120	246-290-674	AMD	99-07-021	246-318-630	REP	99-04-052
246-282-990	AMD	99-12-022	246-290-676	AMD	99-07-021	246-318-640	REP	99-04-052
246-290-001	AMD	99-07-021	246-290-678	AMD	99-07-021	246-318-650	REP	99-04-052
246-290-002	NEW	99-07-021	246-290-686	AMD	99-07-021	246-318-660	REP	99-04-052
246-290-010	AMD	99-07-021	246-290-690	AMD	99-07-021	246-318-670	REP	99-04-052
246-290-020	AMD	99-07-021	246-290-691	NEW	99-07-021	246-318-680	REP	99-04-052
246-290-025	AMD	99-07-021	246-290-692	AMD	99-07-021	246-318-690	REP	99-04-052
246-290-030	AMD	99-07-021	246-290-694	AMD	99-07-021	246-318-700	REP	99-04-052
246-290-035	NEW	99-07-021	246-290-696	AMD	99-07-021	246-318-710	REP	99-04-052
246-290-040	AMD	99-07-021	246-290-990	AMD-P	99-07-120	246-318-720	REP	99-04-052
246-290-050	AMD	99-07-021	246-290-990	AMD	99-12-022	246-318-730	REP	99-04-052
246-290-060	AMD	99-07-021	246-292-160	AMD-P	99-07-120	246-318-740	REP	99-04-052
246-290-100	AMD	99-07-021	246-292-160	AMD	99-12-022	246-318-750	REP	99-04-052
246-290-105	NEW	99-07-021	246-310-990	PREP	99-05-011	246-318-760	REP	99-04-052
246-290-110	AMD	99-07-021	246-316-990	PREP-W	99-04-048	246-318-770	REP	99-04-052
246-290-115	REP	99-07-021	246-318-010	REP	99-04-052	246-318-780	REP	99-04-052
246-290-120	AMD	99-07-021	246-318-013	REP	99-04-052	246-318-790	REP	99-04-052
246-290-125	NEW	99-07-021	246-318-015	REP	99-04-052	246-318-800	REP	99-04-052
246-290-130	AMD	99-07-021	246-318-017	REP	99-04-052	246-318-810	REP	99-04-052
246-290-132	NEW	99-07-021	246-318-020	REP	99-04-052	246-318-820	REP	99-04-052
246-290-135	AMD	99-07-021	246-318-025	REP	99-04-052	246-318-830	REP	99-04-052
246-290-140	AMD	99-07-021	246-318-030	REP	99-04-052	246-318-840	REP	99-04-052
246-290-200	AMD	99-07-021	246-318-033	REP	99-04-052	246-318-850	REP	99-04-052
246-290-220	AMD	99-07-021	246-318-035	REP	99-04-052	246-318-860	REP	99-04-052
246-290-221	NEW	99-07-021	246-318-040	REP	99-04-052	246-318-870	REP	99-04-052
246-290-222	NEW	99-07-021	246-318-042	REP	99-04-052	246-318-990	REP	99-04-052
246-290-230	AMD	99-07-021	246-318-150	REP	99-04-052	246-318-99902	REP	99-04-052
246-290-235	NEW	99-07-021	246-318-155	REP	99-04-052	246-318-99910	REP	99-04-052
246-290-240	REP	99-07-021	246-318-160	REP	99-04-052	246-320-001	NEW	99-04-052
246-290-250	AMD	99-07-021	246-318-170	REP	99-04-052	246-320-010	NEW	99-04-052
246-290-300	AMD	99-07-021	246-318-180	REP	99-04-052	246-320-025	NEW	99-04-052
246-290-310	AMD	99-07-021	246-318-190	REP	99-04-052	246-320-045	NEW	99-04-052
246-290-320	AMD	99-07-021	246-318-200	REP	99-04-052	246-320-065	NEW	99-04-052
246-290-330	REP	99-07-021	246-318-210	REP	99-04-052	246-320-085	NEW	99-04-052
246-290-410	REP	99-07-021	246-318-220	REP	99-04-052	246-320-105	NEW	99-04-052
246-290-415	NEW	99-07-021	246-318-230	REP	99-04-052	246-320-125	NEW	99-04-052
246-290-416	NEW	99-07-021	246-318-240	REP	99-04-052	246-320-145	NEW	99-04-052
246-290-420	AMD	99-07-021	246-318-250	REP	99-04-052	246-320-165	NEW	99-04-052
246-290-430	REP	99-07-021	246-318-260	REP	99-04-052	246-320-185	NEW	99-04-052
246-290-440	REP	99-07-021	246-318-270	REP	99-04-052	246-320-205	NEW	99-04-052
246-290-451	NEW	99-07-021	246-318-280	REP	99-04-052	246-320-225	NEW	99-04-052
246-290-455	NEW	99-07-021	246-318-290	REP	99-04-052	246-320-245	NEW	99-04-052
246-290-460	AMD	99-07-021	246-318-300	REP	99-04-052	246-320-265	NEW	99-04-052
246-290-470	AMD	99-07-021	246-318-310	REP	99-04-052	246-320-285	NEW	99-04-052
246-290-480	AMD	99-07-021	246-318-320	REP	99-04-052	246-320-305	NEW	99-04-052
246-290-490	AMD	99-07-021	246-318-330	REP	99-04-052	246-320-325	NEW	99-04-052
246-290-495	NEW	99-07-021	246-318-350	REP	99-04-052	246-320-345	NEW	99-04-052
246-290-601	AMD	99-07-021	246-318-370	REP	99-04-052	246-320-365	NEW	99-04-052
246-290-610	REP	99-07-021	246-318-380	REP	99-04-052	246-320-385	NEW	99-04-052
246-290-620	AMD	99-07-021	246-318-390	REP	99-04-052	246-320-405	NEW	99-04-052
246-290-630	AMD	99-07-021	246-318-400	REP	99-04-052	246-320-500	NEW	99-04-052
246-290-630	AMD	99-10-076	246-318-420	REP	99-04-052	246-320-505	NEW	99-04-052
246-290-632	AMD	99-07-021	246-318-440	REP	99-04-052	246-320-515	NEW	99-04-052
246-290-634	AMD	99-07-021	246-318-450	REP	99-04-052	246-320-525	NEW	99-04-052
246-290-636	AMD	99-07-021	246-318-500	REP	99-04-052	246-320-535	NEW	99-04-052

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-320-545	NEW	99-04-052	246-359-160	NEW	99-03-065	246-808-101	REP-XR	99-03-061
246-320-555	NEW	99-04-052	246-359-170	NEW	99-03-065	246-808-301	REP-XR	99-03-061
246-320-565	NEW	99-04-052	246-359-180	NEW	99-03-065	246-808-320	REP-XR	99-03-061
246-320-575	NEW	99-04-052	246-359-200	NEW	99-03-065	246-808-330	REP-XR	99-03-061
246-320-585	NEW	99-04-052	246-359-210	NEW	99-03-065	246-808-340	REP-XR	99-03-061
246-320-595	NEW	99-04-052	246-359-220	NEW	99-03-065	246-808-350	REP-XR	99-03-061
246-320-605	NEW	99-04-052	246-359-230	NEW	99-03-065	246-808-360	REP-XR	99-03-061
246-320-615	NEW	99-04-052	246-359-240	NEW	99-03-065	246-808-370	REP-XR	99-03-061
246-320-625	NEW	99-04-052	246-359-250	NEW	99-03-065	246-808-380	REP-XR	99-03-061
246-320-635	NEW	99-04-052	246-359-300	NEW	99-03-065	246-808-390	REP-XR	99-03-061
246-320-645	NEW	99-04-052	246-359-310	NEW	99-03-065	246-808-640	REP-XR	99-03-061
246-320-655	NEW	99-04-052	246-359-320	NEW	99-03-065	246-808-990	AMD-P	99-02-057
246-320-665	NEW	99-04-052	246-359-330	NEW	99-03-065	246-808-990	AMD	99-08-101
246-320-675	NEW	99-04-052	246-359-340	NEW	99-03-065	246-810-990	AMD-P	99-02-057
246-320-685	NEW	99-04-052	246-359-350	NEW	99-03-065	246-810-990	AMD	99-08-101
246-320-695	NEW	99-04-052	246-359-400	NEW	99-03-065	246-811-010	NEW-P	99-09-100
246-320-705	NEW	99-04-052	246-359-405	NEW	99-03-065	246-811-010	NEW	99-13-084
246-320-715	NEW	99-04-052	246-359-410	NEW	99-03-065	246-811-030	NEW-P	99-09-100
246-320-725	NEW	99-04-052	246-359-420	NEW	99-03-065	246-811-030	NEW	99-13-084
246-320-735	NEW	99-04-052	246-359-430	NEW	99-03-065	246-811-045	NEW-P	99-09-100
246-320-745	NEW	99-04-052	246-359-440	NEW	99-03-065	246-811-045	NEW	99-13-084
246-320-755	NEW	99-04-052	246-359-500	NEW	99-03-065	246-811-046	NEW-P	99-09-100
246-320-765	NEW	99-04-052	246-359-510	NEW	99-03-065	246-811-046	NEW	99-13-084
246-320-775	NEW	99-04-052	246-359-520	NEW	99-03-065	246-811-047	NEW-P	99-09-100
246-320-785	NEW	99-04-052	246-359-530	NEW	99-03-065	246-811-047	NEW	99-13-084
246-320-795	NEW	99-04-052	246-359-540	NEW	99-03-065	246-811-048	NEW-P	99-09-100
246-320-805	NEW	99-04-052	246-359-550	NEW	99-03-065	246-811-048	NEW	99-13-084
246-320-815	NEW	99-04-052	246-359-560	NEW	99-03-065	246-811-049	NEW-P	99-09-100
246-320-990	NEW	99-04-052	246-359-565	NEW	99-03-065	246-811-049	NEW	99-13-084
246-320-99902	NEW	99-04-052	246-359-570	NEW	99-03-065	246-811-070	NEW-P	99-09-100
246-358	PREP	99-15-108	246-359-575	NEW	99-03-065	246-811-070	NEW	99-13-084
246-358-025	AMD-E	99-10-096	246-359-580	NEW	99-03-065	246-811-075	NEW-P	99-09-100
246-358-600	NEW-P	99-08-098	246-359-590	NEW	99-03-065	246-811-075	NEW	99-13-084
246-358-600	NEW	99-12-006	246-359-600	NEW	99-03-065	246-811-080	NEW-P	99-09-100
246-358-610	NEW-P	99-08-098	246-359-700	NEW	99-03-065	246-811-080	NEW	99-13-084
246-358-610	NEW	99-12-006	246-359-710	NEW	99-03-065	246-811-990	NEW-P	99-09-100
246-358-620	NEW-P	99-08-098	246-359-720	NEW	99-03-065	246-811-990	NEW	99-13-084
246-358-620	NEW	99-12-006	246-359-730	NEW	99-03-065	246-812-990	AMD-XA	99-18-081
246-358-630	NEW-P	99-08-098	246-359-740	NEW	99-03-065	246-817-990	AMD-P	99-02-057
246-358-630	NEW	99-12-006	246-359-750	NEW	99-03-065	246-817-990	AMD	99-08-101
246-358-640	NEW-P	99-08-098	246-359-760	NEW	99-03-065	246-822-990	AMD-P	99-02-057
246-358-640	NEW	99-12-006	246-359-800	NEW	99-03-065	246-822-990	AMD	99-08-101
246-358-650	NEW-P	99-08-098	246-359-900	NEW	99-03-065	246-828-045	NEW	99-08-102
246-358-650	NEW	99-12-006	246-360-990	PREP	99-10-077	246-828-061	NEW-P	99-11-036
246-358-660	NEW-P	99-08-098	246-560-001	AMD	99-03-043	246-828-105	AMD-XA	99-08-096
246-358-660	NEW	99-12-006	246-560-002	NEW	99-03-043	246-828-110	REP	99-07-020
246-358-670	NEW-P	99-08-098	246-560-010	AMD	99-03-043	246-828-120	REP	99-07-020
246-358-670	NEW	99-12-006	246-560-011	NEW	99-03-043	246-828-130	REP	99-07-020
246-358-680	NEW-P	99-08-098	246-560-025	NEW	99-03-043	246-828-140	REP	99-07-020
246-358-680	NEW	99-12-006	246-560-035	NEW	99-03-043	246-828-150	REP	99-07-020
246-359-001	NEW	99-03-065	246-560-040	AMD	99-03-043	246-828-160	REP	99-07-020
246-359-005	NEW	99-03-065	246-560-045	NEW	99-03-043	246-828-170	REP	99-07-020
246-359-010	NEW	99-03-065	246-560-050	AMD	99-03-043	246-828-180	REP	99-07-020
246-359-020	NEW	99-03-065	246-560-060	AMD	99-03-043	246-828-190	REP	99-07-020
246-359-030	NEW	99-03-065	246-560-065	NEW	99-03-043	246-828-200	REP	99-07-020
246-359-040	NEW	99-03-065	246-560-070	REP	99-03-043	246-828-210	REP	99-07-020
246-359-050	NEW	99-03-065	246-560-075	NEW	99-03-043	246-828-230	REP	99-07-020
246-359-060	NEW	99-03-065	246-560-077	NEW	99-03-043	246-828-240	REP	99-07-020
246-359-070	NEW	99-03-065	246-560-085	NEW	99-03-043	246-828-250	REP	99-07-020
246-359-080	NEW	99-03-065	246-562	PREP	99-15-101	246-828-260	REP	99-07-020
246-359-090	NEW	99-03-065	246-650-990	AMD-P	99-16-115	246-828-280	REP-XR	99-16-046
246-359-100	NEW	99-03-065	246-650-991	NEW-P	99-16-115	246-828-290	AMD	99-08-103
246-359-110	NEW	99-03-065	246-760	PREP	99-11-030	246-828-310	REP	99-07-020
246-359-120	NEW	99-03-065	246-762	PREP	99-11-031	246-828-340	REP	99-07-019
246-359-130	NEW	99-03-065	246-790	PREP	99-13-082	246-830-990	AMD-P	99-02-057
246-359-140	NEW	99-03-065	246-802-990	AMD-P	99-02-057	246-830-990	AMD	99-08-101
246-359-150	NEW	99-03-065	246-802-990	AMD	99-08-101	246-834-050	NEW	99-03-064

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-834-060	AMD	99-03-064	246-918-990	AMD-P	99-18-085	250- 61-090	AMD	99-06-021
246-834-070	AMD	99-03-064	246-919-421	NEW-P	99-18-085	250- 79	PREP	99-10-070
246-834-080	AMD	99-03-064	246-919-430	AMD-P	99-18-085	250- 79-030	NEW-E	99-14-034
246-834-990	PREP	99-06-090	246-919-450	AMD-P	99-18-085	250- 79-030	NEW-P	99-15-084
246-838-040	REP	99-08-104	246-919-460	AMD-P	99-18-085	251- 01-014	NEW-P	99-02-054
246-840	PREP	99-11-033	246-919-630	NEW-P	99-07-121	251- 01-014	NEW	99-05-042
246-840-010	PREP	99-11-032	246-919-640	NEW-P	99-07-121	251- 01-015	AMD-P	99-02-054
246-840-020	AMD-P	99-06-092	246-919-800	NEW-P	99-18-086	251- 01-015	AMD	99-05-042
246-840-020	AMD	99-10-079	246-919-810	NEW-P	99-18-086	251- 01-040	AMD-P	99-02-054
246-840-020	PREP	99-11-032	246-919-820	NEW-P	99-18-086	251- 01-040	AMD	99-05-042
246-840-050	AMD-P	99-08-099	246-919-830	NEW-P	99-18-086	251- 01-190	AMD-P	99-02-054
246-840-050	AMD	99-13-086	246-919-990	AMD-P	99-18-085	251- 01-190	AMD	99-05-042
246-840-070	AMD-P	99-08-099	246-922-010	AMD-P	99-08-100	251- 01-330	REP-P	99-02-054
246-840-070	AMD	99-13-086	246-922-010	AMD	99-14-074	251- 01-330	REP	99-05-042
246-840-090	AMD-P	99-08-099	246-922-090	REP-P	99-08-100	251- 01-345	AMD-P	99-16-101
246-840-090	AMD	99-13-086	246-922-090	REP	99-14-074	251- 01-400	AMD-P	99-02-054
246-840-125	PREP	99-03-066	246-922-100	AMD-P	99-08-100	251- 01-400	AMD	99-05-042
246-840-565	PREP	99-11-032	246-922-100	AMD	99-14-074	251- 01-420	REP-P	99-02-054
246-840-730	AMD-P	99-18-082	246-922-300	AMD-P	99-15-104	251- 01-420	REP	99-05-042
246-840-740	NEW	99-04-051	246-922-310	AMD-P	99-15-104	251- 01-435	AMD-P	99-13-106
246-840-760	PREP	99-11-032	246-924-180	AMD-P	99-09-101	251- 01-440	AMD-P	99-02-054
246-840-840	PREP	99-14-002	246-924-180	AMD	99-14-075	251- 01-440	AMD	99-05-042
246-840-850	PREP	99-14-002	246-924-230	AMD-P	99-09-101	251- 11-130	AMD-P	99-13-106
246-840-860	PREP	99-14-002	246-924-230	AMD	99-14-075	251- 17-090	AMD-P	99-02-054
246-840-870	PREP	99-14-002	246-924-240	AMD-P	99-09-101	251- 17-090	AMD	99-05-042
246-840-880	PREP	99-14-002	246-924-240	AMD	99-14-075	251- 19-050	AMD-P	99-13-106
246-840-890	PREP	99-14-002	246-924-250	AMD-P	99-09-101	251- 19-060	AMD-P	99-13-106
246-840-900	PREP	99-14-002	246-924-250	AMD	99-14-075	251- 19-180	NEW-P	99-16-102
246-840-920	PREP	99-11-032	246-924-300	AMD-P	99-09-101	251- 20-020	AMD-P	99-16-101
246-841-990	PREP	99-16-114	246-924-300	AMD	99-14-075	251- 20-030	AMD-P	99-16-101
246-843-060	REP	99-03-069	246-924-330	AMD-P	99-09-101	251- 23-010	AMD-P	99-02-054
246-843-200	REP	99-03-068	246-924-330	AMD	99-14-075	251- 23-010	AMD	99-05-042
246-843-220	REP	99-03-067	246-924-340	REP-P	99-09-101	251- 23-030	AMD-P	99-02-054
246-843-225	REP	99-03-067	246-924-340	REP	99-14-075	251- 23-030	AMD	99-05-042
246-845-990	AMD-P	99-02-057	246-924-990	AMD-P	99-02-057	251- 23-040	AMD-P	99-02-054
246-845-990	AMD	99-08-101	246-924-990	AMD	99-08-101	251- 23-040	AMD	99-05-042
246-847-990	AMD-P	99-02-057	246-926-990	AMD-P	99-02-057	251- 23-050	AMD-P	99-02-054
246-847-990	AMD	99-08-101	246-926-990	AMD	99-08-101	251- 23-050	AMD	99-05-042
246-849-990	AMD-P	99-02-057	246-928-990	AMD-P	99-02-057	251- 23-060	AMD-P	99-02-054
246-849-990	AMD	99-08-101	246-928-990	AMD	99-08-101	251- 23-060	AMD	99-05-042
246-850-060	NEW-P	99-03-083	246-930-330	PREP	99-14-001	251- 24-030	AMD-P	99-02-054
246-850-060	NEW	99-07-122	246-930-499	REP	99-07-018	251- 24-030	AMD	99-05-042
246-851-270	REP	99-16-047	246-930-990	AMD-P	99-02-057	251- 24-030	AMD-P	99-13-105
246-851-340	REP	99-16-047	246-930-990	AMD	99-08-101	251- 24-040	AMD-W	99-05-058
246-851-360	REP	99-16-047	246-935-040	PREP	99-15-103	260- 24-560	AMD	99-05-048
246-851-990	AMD-P	99-02-057	246-935-050	PREP	99-15-103	260- 44-110	AMD-P	99-02-082
246-851-990	AMD	99-08-101	246-935-060	PREP	99-15-103	260- 44-110	AMD	99-05-049
246-883-020	AMD-P	99-18-083	246-935-140	REP-XR	99-02-080	260- 44-120	AMD-P	99-02-082
246-887-160	AMD-XA	99-16-116	246-935-140	REP	99-14-076	260- 44-120	AMD	99-05-049
246-888-010	NEW-P	99-18-084	248-554-001	PREP	99-17-058	260- 48-600	AMD-P	99-02-081
246-888-020	NEW-P	99-18-084	248-554-005	PREP	99-17-058	260- 48-600	AMD	99-06-026
246-888-030	NEW-P	99-18-084	248-554-010	PREP	99-17-058	260- 48-620	AMD-P	99-02-081
246-888-040	NEW-P	99-18-084	248-554-015	PREP	99-17-058	260- 48-620	AMD	99-06-026
246-888-050	NEW-P	99-18-084	248-554-018	PREP	99-17-058	260- 48-700	NEW-P	99-02-081
246-888-060	NEW-P	99-18-084	248-554-020	PREP	99-17-058	260- 48-700	NEW	99-06-026
246-888-070	NEW-P	99-18-084	248-554-030	PREP	99-17-058	260- 48-710	NEW-P	99-02-081
246-888-080	NEW-P	99-18-084	250- 20-001	AMD-P	99-10-074	260- 48-710	NEW	99-06-026
246-888-090	NEW-P	99-18-084	250- 20-001	AMD	99-16-015	260- 48-720	NEW-P	99-02-081
246-888-100	NEW-P	99-18-084	250- 20-011	AMD-P	99-10-074	260- 48-720	NEW	99-06-026
246-888-110	NEW-P	99-18-084	250- 20-011	AMD	99-16-015	260- 48-910	NEW-P	99-02-081
246-915-990	AMD-P	99-02-057	250- 20-021	AMD-P	99-10-074	260- 48-910	NEW	99-06-026
246-915-990	AMD	99-08-101	250- 20-021	AMD	99-16-015	260- 52-070	AMD	99-05-047
246-918-115	NEW-P	99-07-121	250- 20-031	AMD-P	99-10-074	260- 75	PREP	99-03-014
246-918-116	NEW-P	99-07-121	250- 20-031	AMD	99-16-015	275- 27	PREP	99-10-063
246-918-171	NEW-P	99-18-085	250- 20-041	AMD-P	99-10-074	275- 27-020	AMD	99-04-071
246-918-990	AMD-P	99-06-093	250- 20-041	AMD	99-16-015	275- 27-020	DECOD-P	99-15-043
246-918-990	AMD	99-13-087	250- 61-060	AMD	99-06-022	275- 27-020	AMD-P	99-15-043

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
275- 27-180	NEW	99-04-071	292-100-006	NEW	99-06-073	296- 15-215	REP-P	99-18-067
275- 27-185	NEW	99-04-071	292-100-007	NEW	99-06-073	296- 15-220	REP-P	99-18-067
275- 27-190	NEW	99-04-071	292-100-010	AMD	99-06-073	296- 15-221	NEW-P	99-18-067
275- 27-191	NEW	99-04-071	292-100-020	AMD	99-06-073	296- 17	PREP	99-05-051
275- 27-192	NEW	99-04-071	292-100-030	AMD	99-06-073	296- 17	PREP	99-07-099
275- 27-193	NEW	99-04-071	292-100-040	AMD	99-06-073	296- 17	PREP	99-07-100
275- 27-194	NEW	99-04-071	292-100-050	AMD	99-06-073	296- 17	PREP	99-13-203
275- 27-195	NEW	99-04-071	292-100-060	AMD	99-06-073	296- 17-31007	AMD-P	99-12-115
275- 27-196	NEW	99-04-071	292-100-070	AMD	99-06-073	296- 17-31007	AMD	99-18-068
275- 27-197	NEW	99-04-071	292-100-080	AMD	99-06-073	296- 17-31012	AMD-P	99-12-115
275- 27-198	NEW	99-04-071	292-100-090	AMD	99-06-073	296- 17-31012	AMD	99-18-068
275- 27-199	NEW	99-04-071	292-100-100	AMD	99-06-073	296- 17-31013	AMD-P	99-12-115
275- 27-200	NEW	99-04-071	292-100-105	NEW	99-06-073	296- 17-31013	AMD	99-18-068
275- 27-202	NEW	99-04-071	292-100-110	AMD	99-06-073	296- 17-31021	AMD-P	99-12-115
275- 27-204	NEW	99-04-071	292-100-120	AMD	99-06-073	296- 17-31021	AMD	99-18-068
275- 27-211	NEW	99-04-071	292-100-130	AMD	99-06-073	296- 17-35201	AMD-P	99-12-115
275- 27-212	NEW	99-04-071	292-100-140	AMD	99-06-073	296- 17-35201	AMD	99-18-068
275- 27-213	NEW	99-04-071	292-100-150	AMD	99-06-073	296- 17-35203	AMD-P	99-12-115
275- 30-010	AMD	99-03-077	292-100-160	AMD	99-06-073	296- 17-35203	AMD	99-18-068
275- 30-030	AMD	99-03-077	292-100-170	AMD	99-06-073	296- 17-505	AMD-P	99-12-115
275- 30-040	AMD	99-03-077	292-100-180	AMD	99-06-073	296- 17-505	AMD	99-18-068
275- 30-050	REP	99-03-077	292-100-190	AMD	99-06-073	296- 17-50603	AMD-P	99-12-115
275- 30-060	AMD	99-03-077	292-100-200	AMD	99-06-073	296- 17-50603	AMD	99-18-068
275- 30-070	AMD	99-03-077	292-100-210	NEW	99-06-073	296- 17-50910	AMD-P	99-12-115
275- 30-080	REP	99-03-077	296- 13	PREP	99-17-115	296- 17-50910	AMD	99-18-068
275- 59	PREP	99-14-065	296- 14	PREP	99-10-025	296- 17-50917	AMD-P	99-12-115
284- 07-050	AMD-XA	99-11-101	296- 14-100	AMD-P	99-13-201	296- 17-50917	AMD	99-18-068
284- 07-050	AMD	99-16-035	296- 14-100	AMD	99-18-062	296- 17-519	AMD-P	99-12-115
284- 23-300	PREP	99-13-199	296- 14-400	AMD-P	99-13-201	296- 17-519	AMD	99-18-068
284- 23-310	PREP	99-13-199	296- 14-410	AMD-P	99-13-201	296- 17-52102	AMD-P	99-12-115
284- 23-320	PREP	99-13-199	296- 14-410	AMD	99-18-062	296- 17-52102	AMD	99-18-068
284- 23-330	PREP	99-13-199	296- 14-420	AMD-P	99-13-201	296- 17-52106	AMD-P	99-12-115
284- 23-340	PREP	99-13-199	296- 15-010	REP-P	99-18-067	296- 17-52106	AMD	99-18-068
284- 23-350	PREP	99-13-199	296- 15-020	REP-P	99-18-067	296- 17-52108	AMD-P	99-12-115
284- 23-360	PREP	99-13-199	296- 15-021	NEW-P	99-18-067	296- 17-52108	AMD	99-18-068
284- 23-370	PREP	99-13-199	296- 15-022	REP-P	99-18-067	296- 17-52109	AMD-P	99-12-115
284- 43	AMD-C	99-03-037	296- 15-023	REP-P	99-18-067	296- 17-52109	AMD	99-18-068
284- 43	AMD-C	99-03-038	296- 15-025	REP-P	99-18-067	296- 17-52110	AMD-P	99-12-115
284- 43	PREP	99-13-198	296- 15-026	REP-P	99-18-067	296- 17-52110	AMD	99-18-068
284- 43-130	AMD-P	99-03-006	296- 15-02601	REP-P	99-18-067	296- 17-52111	AMD-P	99-12-115
284- 43-130	AMD-P	99-03-007	296- 15-02602	REP-P	99-18-067	296- 17-52111	AMD	99-18-068
284- 43-130	AMD-W	99-16-073	296- 15-02603	REP-P	99-18-067	296- 17-52113	AMD-P	99-12-115
284- 43-130	AMD-P	99-16-106	296- 15-02604	REP-P	99-18-067	296- 17-52113	AMD	99-18-068
284- 43-205	NEW-P	99-11-102	296- 15-02605	REP-P	99-18-067	296- 17-532	AMD-P	99-12-115
284- 43-205	NEW-C	99-13-045	296- 15-030	REP-P	99-18-067	296- 17-532	AMD	99-18-068
284- 43-205	NEW	99-16-036	296- 15-031	NEW-P	99-18-067	296- 17-53802	AMD-P	99-12-115
284- 43-320	AMD-P	99-12-106	296- 15-041	NEW-P	99-18-067	296- 17-53802	AMD	99-18-068
284- 43-330	AMD-P	99-12-106	296- 15-045	REP-P	99-18-067	296- 17-53805	AMD-P	99-12-115
284- 43-340	REP-P	99-12-106	296- 15-050	REP-P	99-18-067	296- 17-53805	AMD	99-18-068
284- 43-350	NEW-P	99-12-106	296- 15-051	NEW-P	99-18-067	296- 17-539	AMD-P	99-12-115
284- 43-360	NEW-P	99-12-106	296- 15-060	REP-P	99-18-067	296- 17-539	AMD	99-18-068
284- 43-370	NEW-P	99-12-106	296- 15-061	NEW-P	99-18-067	296- 17-544	AMD-P	99-12-115
284- 43-399	NEW-P	99-12-106	296- 15-065	REP-P	99-18-067	296- 17-544	AMD	99-18-068
284- 43-810	NEW-P	99-03-006	296- 15-080	REP-P	99-18-067	296- 17-545	AMD-P	99-12-115
284- 43-810	NEW-P	99-03-007	296- 15-090	REP-P	99-18-067	296- 17-545	AMD	99-18-068
284- 43-810	NEW-W	99-16-073	296- 15-110	REP-P	99-18-067	296- 17-552	AMD-P	99-12-115
284- 43-810	NEW-P	99-16-106	296- 15-121	NEW-P	99-18-067	296- 17-552	AMD	99-18-068
284- 53-005	NEW-P	99-11-103	296- 15-130	REP-P	99-18-067	296- 17-564	AMD-P	99-12-115
284- 53-005	NEW	99-16-005	296- 15-135	REP-P	99-18-067	296- 17-564	AMD	99-18-068
284- 53-010	AMD-P	99-11-103	296- 15-145	REP-P	99-18-067	296- 17-57603	AMD-P	99-12-115
284- 53-010	AMD	99-16-005	296- 15-150	REP-P	99-18-067	296- 17-57603	AMD	99-18-068
284- 91-060	NEW-P	99-14-085	296- 15-151	NEW-P	99-18-067	296- 17-580	AMD-P	99-12-115
284- 91-060	NEW	99-18-039	296- 15-161	NEW-P	99-18-067	296- 17-580	AMD	99-18-068
286- 26-100	PREP	99-08-092	296- 15-170	REP-P	99-18-067	296- 17-581	AMD-P	99-12-115
286- 26-100	AMD-P	99-08-114	296- 15-171	NEW-P	99-18-067	296- 17-581	AMD	99-18-068
286- 26-100	AMD	99-16-009	296- 15-181	NEW-P	99-18-067	296- 17-583	AMD-P	99-12-115
292-100-005	NEW	99-06-073	296- 15-210	REP-P	99-18-067	296- 17-583	AMD	99-18-068

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-17-58502	AMD-P	99-12-115	296-20-02701	NEW-P	99-13-202	296-24-23029	AMD-P	99-16-084
296-17-58502	AMD	99-18-068	296-20-02702	NEW-P	99-13-202	296-24-23031	AMD-P	99-16-084
296-17-58505	REP-P	99-12-115	296-20-02703	NEW-P	99-13-202	296-24-23033	AMD-P	99-16-084
296-17-58505	REP	99-18-068	296-20-02704	NEW-P	99-13-202	296-24-23035	AMD-P	99-16-084
296-17-615	AMD-P	99-12-115	296-20-02705	NEW-P	99-13-202	296-24-23037	NEW-P	99-16-084
296-17-615	AMD	99-18-068	296-20-02850	NEW-P	99-13-202	296-24-23529	AMD-XA	99-12-089
296-17-647	AMD-P	99-12-115	296-20-135	AMD-P	99-05-079	296-24-47505	AMD-XA	99-12-089
296-17-647	AMD	99-18-068	296-20-135	AMD	99-10-043	296-24-47505	AMD	99-17-094
296-17-649	AMD-P	99-12-115	296-23	PREP	99-12-114	296-24-47507	AMD-XA	99-12-089
296-17-649	AMD	99-18-068	296-23-220	AMD-P	99-05-079	296-24-47507	AMD	99-17-094
296-17-653	AMD-P	99-12-115	296-23-220	AMD	99-10-043	296-24-47511	AMD-XA	99-12-089
296-17-653	AMD	99-18-068	296-23-230	AMD-P	99-05-079	296-24-47511	AMD	99-17-094
296-17-675	AMD-P	99-12-115	296-23-230	AMD	99-10-043	296-24-47515	REP-XA	99-12-089
296-17-675	AMD	99-18-068	296-23A	PREP	99-12-114	296-24-47515	REP	99-17-094
296-17-678	AMD-P	99-12-115	296-24	PREP	99-02-083	296-24-51005	AMD	99-10-071
296-17-678	AMD	99-18-068	296-24	PREP	99-04-057	296-24-51009	AMD	99-10-071
296-17-679	AMD-P	99-12-115	296-24	PREP	99-08-070	296-24-51017	AMD-XA	99-12-089
296-17-679	AMD	99-18-068	296-24	PREP	99-12-037	296-24-51017	AMD	99-17-094
296-17-686	AMD-P	99-12-115	296-24-040	AMD-P	99-10-072	296-24-58503	AMD	99-05-080
296-17-686	AMD	99-18-068	296-24-040	AMD	99-17-093	296-24-58505	AMD	99-05-080
296-17-693	AMD-P	99-12-115	296-24-07501	AMD	99-10-071	296-24-58513	AMD	99-10-071
296-17-693	AMD	99-18-068	296-24-12002	AMD-XA	99-12-089	296-24-58515	AMD	99-10-071
296-17-698	AMD-P	99-12-115	296-24-12002	AMD	99-17-094	296-24-58516	NEW	99-10-071
296-17-698	AMD	99-18-068	296-24-205	AMD	99-12-091	296-24-58517	AMD	99-10-071
296-17-699	AMD-P	99-12-115	296-24-20501	AMD	99-12-091	296-24-67507	AMD	99-10-071
296-17-699	AMD	99-18-068	296-24-20501	AMD-XA	99-13-165	296-24-67515	AMD	99-10-071
296-17-700	AMD-P	99-12-115	296-24-20503	AMD	99-12-091	296-24-67517	AMD	99-10-071
296-17-700	AMD	99-18-068	296-24-20503	AMD-XA	99-13-165	296-24-71507	AMD	99-10-071
296-17-703	AMD-P	99-12-115	296-24-20505	AMD	99-12-091	296-24-71513	AMD	99-10-071
296-17-703	AMD	99-18-068	296-24-20505	AMD-XA	99-13-165	296-24-71517	AMD	99-10-071
296-17-704	AMD-P	99-12-115	296-24-20507	AMD	99-12-091	296-24-71519	AMD	99-10-071
296-17-704	AMD	99-18-068	296-24-20507	AMD-XA	99-13-165	296-27	PREP	99-02-083
296-17-706	AMD-P	99-12-115	296-24-20509	AMD	99-12-091	296-27	PREP	99-08-069
296-17-706	AMD	99-18-068	296-24-20509	AMD-XA	99-13-165	296-28	PREP	99-02-083
296-17-707	AMD-P	99-12-115	296-24-20511	AMD	99-12-091	296-30-020	AMD	99-07-004
296-17-707	AMD	99-18-068	296-24-20511	AMD-XA	99-13-165	296-30-025	REP	99-07-004
296-17-708	AMD-P	99-12-115	296-24-20513	AMD	99-12-091	296-30-060	AMD	99-07-004
296-17-708	AMD	99-18-068	296-24-20513	AMD-XA	99-13-165	296-30-080	AMD-XA	99-16-112
296-17-709	AMD-P	99-12-115	296-24-20515	AMD	99-12-091	296-30-081	AMD	99-07-004
296-17-709	AMD	99-18-068	296-24-20515	AMD-XA	99-13-165	296-30-081	AMD-XA	99-16-112
296-17-710	AMD-P	99-12-115	296-24-20517	AMD	99-12-091	296-30-085	NEW-XA	99-16-112
296-17-710	AMD	99-18-068	296-24-20517	AMD-XA	99-13-165	296-30-090	NEW-XA	99-16-112
296-17-711	AMD-P	99-12-115	296-24-20519	AMD	99-12-091	296-30-095	NEW-XA	99-16-112
296-17-711	AMD	99-18-068	296-24-20521	AMD	99-12-091	296-30-100	NEW-XA	99-16-112
296-17-712	AMD-P	99-12-115	296-24-20521	AMD-XA	99-13-165	296-30-105	NEW-XA	99-16-112
296-17-712	AMD	99-18-068	296-24-20523	AMD	99-12-091	296-30-120	AMD-XA	99-16-112
296-17-713	AMD-P	99-12-115	296-24-20525	AMD	99-12-091	296-30-170	AMD-XA	99-16-112
296-17-713	AMD	99-18-068	296-24-20525	AMD-XA	99-13-165	296-30-180	AMD-XA	99-16-112
296-17-717	AMD-P	99-12-115	296-24-20527	AMD	99-12-091	296-30-900	AMD	99-07-004
296-17-717	AMD	99-18-068	296-24-20527	AMD-XA	99-13-165	296-31-010	PREP	99-10-101
296-17-719	AMD-P	99-12-115	296-24-20529	AMD	99-12-091	296-31-010	AMD-P	99-15-100
296-17-719	AMD	99-18-068	296-24-20531	AMD	99-12-091	296-31-012	PREP	99-10-101
296-17-72202	AMD-P	99-12-115	296-24-20533	AMD	99-12-091	296-31-012	NEW-P	99-15-100
296-17-72202	AMD	99-18-068	296-24-23001	AMD-P	99-16-084	296-31-016	PREP	99-10-101
296-17-764	AMD-P	99-12-115	296-24-23003	AMD-P	99-16-084	296-31-016	NEW-P	99-15-100
296-17-764	AMD	99-18-068	296-24-23005	AMD-P	99-16-084	296-31-030	AMD-XA	99-16-112
296-17-87304	AMD-P	99-12-115	296-24-23007	AMD-P	99-16-084	296-31-035	NEW-XA	99-16-112
296-17-87304	AMD	99-18-068	296-24-23009	AMD-P	99-16-084	296-31-040	AMD	99-07-004
296-17-900	AMD-E	99-04-106	296-24-23011	AMD-P	99-16-084	296-31-045	NEW-XA	99-16-112
296-17-900	AMD-P	99-12-115	296-24-23013	AMD-P	99-16-084	296-31-050	REP-XA	99-16-112
296-17-900	AMD	99-18-068	296-24-23015	AMD-P	99-16-084	296-31-055	NEW-XA	99-16-112
296-17-90120	AMD-P	99-12-115	296-24-23017	AMD-P	99-16-084	296-31-056	NEW-XA	99-16-112
296-17-90120	AMD	99-18-068	296-24-23019	AMD-P	99-16-084	296-31-057	NEW-XA	99-16-112
296-20	PREP	99-12-114	296-24-23021	AMD-P	99-16-084	296-31-058	NEW-XA	99-16-112
296-20	PREP	99-13-204	296-24-23023	AMD-P	99-16-084	296-31-060	PREP	99-10-101
296-20-01002	PREP	99-16-111	296-24-23025	AMD-P	99-16-084	296-31-060	AMD-P	99-15-100
296-20-02700	NEW-P	99-13-202	296-24-23027	AMD-P	99-16-084	296-31-065	PREP	99-10-101



Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-31-065	AMD-P	99-15-100	296-50-080	REP	99-16-085	296-54-51120	NEW-P	99-08-072
296-31-067	PREP	99-10-101	296-50-090	REP-XR	99-12-090	296-54-51120	NEW	99-17-117
296-31-067	NEW-P	99-15-100	296-50-090	REP	99-16-085	296-54-51130	NEW-P	99-08-072
296-31-068	PREP	99-10-101	296-50-100	REP-XR	99-12-090	296-54-51130	NEW	99-17-117
296-31-068	NEW-P	99-15-100	296-50-100	REP	99-16-085	296-54-51140	NEW-P	99-08-072
296-31-070	AMD-XA	99-16-112	296-50-110	REP-XR	99-12-090	296-54-51140	NEW	99-17-117
296-31-071	AMD	99-07-004	296-50-110	REP	99-16-085	296-54-51150	NEW-P	99-08-072
296-31-072	AMD	99-07-004	296-50-120	REP-XR	99-12-090	296-54-51150	NEW	99-17-117
296-31-073	AMD	99-07-004	296-50-120	REP	99-16-085	296-54-51160	NEW-P	99-08-072
296-31-074	NEW-XA	99-16-112	296-50-130	REP-XR	99-12-090	296-54-51160	NEW	99-17-117
296-31-075	AMD	99-07-004	296-50-130	REP	99-16-085	296-54-51170	NEW-P	99-08-072
296-31-080	AMD	99-07-004	296-50-140	REP-XR	99-12-090	296-54-51170	NEW	99-17-117
296-31-085	NEW	99-07-004	296-50-140	REP	99-16-085	296-54-51180	NEW-P	99-08-072
296-31-090	REP-XA	99-16-112	296-50-150	REP-XR	99-12-090	296-54-51180	NEW	99-17-117
296-31-100	REP	99-07-004	296-50-150	REP	99-16-085	296-54-51190	NEW-P	99-08-072
296-32	PREP	99-02-083	296-50-160	REP-XR	99-12-090	296-54-51190	NEW	99-17-117
296-32	PREP	99-04-057	296-50-160	REP	99-16-085	296-54-513	AMD-P	99-08-072
296-32	PREP	99-15-085	296-50-170	REP-XR	99-12-090	296-54-513	AMD	99-17-117
296-32-260	AMD-XA	99-12-089	296-50-170	REP	99-16-085	296-54-515	AMD-P	99-08-072
296-36	PREP	99-02-083	296-50-180	REP-XR	99-12-090	296-54-515	AMD	99-17-117
296-36	PREP	99-06-040	296-50-180	REP	99-16-085	296-54-51510	NEW-P	99-08-072
296-36-210	AMD-P	99-15-086	296-50-190	REP-XR	99-12-090	296-54-51510	NEW	99-17-117
296-37	PREP	99-02-083	296-50-190	REP	99-16-085	296-54-51520	NEW-P	99-08-072
296-45	PREP	99-02-083	296-50-200	REP-XR	99-12-090	296-54-51520	NEW	99-17-117
296-45-015	AMD-XA	99-04-078	296-50-200	REP	99-16-085	296-54-51530	NEW-P	99-08-072
296-45-015	AMD	99-09-080	296-50-210	REP-XR	99-12-090	296-54-51530	NEW	99-17-117
296-45-045	AMD-XA	99-04-078	296-50-210	REP	99-16-085	296-54-517	AMD-P	99-08-072
296-45-045	AMD	99-09-080	296-50-220	REP-XR	99-12-090	296-54-517	AMD	99-17-117
296-45-17550	AMD-XA	99-04-078	296-50-220	REP	99-16-085	296-54-519	AMD-P	99-08-072
296-45-17550	AMD	99-09-080	296-50-230	REP-XR	99-12-090	296-54-519	AMD	99-17-117
296-45-215	AMD-XA	99-04-078	296-50-230	REP	99-16-085	296-54-521	AMD-P	99-08-072
296-45-215	AMD	99-09-080	296-52	PREP	99-02-083	296-54-521	AMD	99-17-117
296-45-325	AMD-XA	99-04-078	296-52	PREP	99-04-057	296-54-521	RECOD	99-17-117
296-45-325	AMD	99-09-080	296-52-421	AMD-XA	99-12-089	296-54-523	AMD-P	99-08-072
296-45-455	AMD-XA	99-04-078	296-52-421	AMD	99-17-094	296-54-523	AMD	99-17-117
296-45-455	AMD	99-09-080	296-52-425	AMD-XA	99-12-089	296-54-523	RECOD	99-17-117
296-45-901	AMD-XA	99-04-078	296-52-425	AMD	99-17-094	296-54-525	REP-P	99-08-072
296-45-901	AMD	99-09-080	296-52-429	AMD-XA	99-12-089	296-54-525	REP	99-17-117
296-46-090	AMD	99-05-052	296-52-429	AMD	99-17-094	296-54-527	AMD-P	99-08-072
296-46-23040	AMD	99-05-052	296-52-433	AMD-XA	99-12-089	296-54-527	RECOD	99-17-117
296-46-370	AMD	99-05-052	296-52-433	AMD	99-17-094	296-54-527	AMD	99-17-117
296-46-495	AMD	99-05-052	296-52-437	AMD-XA	99-12-089	296-54-529	AMD-P	99-08-072
296-46-50002	AMD	99-05-052	296-52-437	AMD	99-17-094	296-54-529	RECOD	99-17-117
296-46-910	AMD-P	99-08-128	296-52-449	AMD-XA	99-12-089	296-54-529	AMD	99-17-117
296-46-910	AMD	99-12-080	296-52-449	AMD	99-17-094	296-54-531	AMD-P	99-08-072
296-46-915	AMD-P	99-08-128	296-52-477	AMD-XA	99-12-089	296-54-531	RECOD	99-17-117
296-46-915	AMD	99-12-080	296-52-477	AMD	99-17-094	296-54-531	AMD	99-17-117
296-46-930	AMD	99-05-052	296-52-489	AMD-XA	99-12-089	296-54-533	AMD-P	99-08-072
296-46-940	AMD	99-05-052	296-52-489	AMD	99-17-094	296-54-533	AMD	99-17-117
296-46-950	AMD	99-05-052	296-52-493	AMD-XA	99-12-089	296-54-533	RECOD	99-17-117
296-50	PREP	99-02-083	296-52-493	AMD	99-17-094	296-54-535	AMD-P	99-08-072
296-50	PREP	99-06-040	296-54	PREP	99-02-083	296-54-535	AMD	99-17-117
296-50-010	REP-XR	99-12-090	296-54	PREP	99-12-037	296-54-535	RECOD	99-17-117
296-50-010	REP	99-16-085	296-54-501	AMD-P	99-08-072	296-54-537	AMD-P	99-08-072
296-50-020	REP-XR	99-12-090	296-54-501	AMD	99-17-117	296-54-537	AMD	99-17-117
296-50-020	REP	99-16-085	296-54-503	AMD-P	99-08-072	296-54-539	AMD-P	99-08-072
296-50-030	REP-XR	99-12-090	296-54-503	AMD	99-17-117	296-54-539	AMD	99-17-117
296-50-030	REP	99-16-085	296-54-505	AMD-P	99-08-072	296-54-53910	NEW-P	99-08-072
296-50-040	REP-XR	99-12-090	296-54-505	AMD	99-17-117	296-54-53910	NEW	99-17-117
296-50-040	REP	99-16-085	296-54-507	AMD-P	99-08-072	296-54-53920	NEW-P	99-08-072
296-50-050	REP-XR	99-12-090	296-54-507	AMD	99-17-117	296-54-53920	NEW	99-17-117
296-50-050	REP	99-16-085	296-54-509	AMD-P	99-08-072	296-54-53930	NEW-P	99-08-072
296-50-060	REP-XR	99-12-090	296-54-509	AMD	99-17-117	296-54-53930	NEW	99-17-117
296-50-060	REP	99-16-085	296-54-511	AMD-P	99-08-072	296-54-53940	NEW-P	99-08-072
296-50-070	REP-XR	99-12-090	296-54-511	AMD	99-17-117	296-54-53940	NEW	99-17-117
296-50-070	REP	99-16-085	296-54-51110	NEW-P	99-08-072	296-54-541	AMD-P	99-08-072
296-50-080	REP-XR	99-12-090	296-54-51110	NEW	99-17-117	296-54-541	AMD	99-17-117

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-54-543	AMD-P	99-08-072	296-54-57345	NEW	99-17-117	296-54-59730	NEW	99-17-117
296-54-543	AMD	99-17-117	296-54-57350	NEW-P	99-08-072	296-54-599	REP-P	99-08-072
296-54-545	AMD-P	99-08-072	296-54-57350	NEW	99-17-117	296-54-599	REP	99-17-117
296-54-545	AMD	99-17-117	296-54-57355	NEW-P	99-08-072	296-54-601	AMD-P	99-08-072
296-54-547	AMD-P	99-08-072	296-54-57355	NEW	99-17-117	296-54-601	AMD	99-17-117
296-54-547	AMD	99-17-117	296-54-575	AMD-P	99-08-072	296-54-603	AMD-P	99-08-072
296-54-54710	NEW-P	99-08-072	296-54-575	AMD	99-17-117	296-54-603	AMD	99-17-117
296-54-54710	NEW	99-17-117	296-54-577	AMD-P	99-08-072	296-54-604	NEW-P	99-08-072
296-54-54720	NEW-P	99-08-072	296-54-577	AMD	99-17-117	296-54-604	NEW	99-17-117
296-54-54720	NEW	99-17-117	296-54-579	AMD-P	99-08-072	296-54-605	AMD-P	99-08-072
296-54-54730	NEW-P	99-08-072	296-54-579	AMD	99-17-117	296-54-605	AMD	99-17-117
296-54-54730	NEW	99-17-117	296-54-581	AMD-P	99-08-072	296-54-607	AMD-P	99-08-072
296-54-54740	NEW-P	99-08-072	296-54-581	AMD	99-17-117	296-54-607	AMD	99-17-117
296-54-54740	NEW	99-17-117	296-54-58110	NEW-P	99-08-072	296-54-701	NEW-P	99-08-072
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296-54-54750	NEW	99-17-117	296-54-58120	NEW-P	99-08-072	296-54-70110	NEW-P	99-08-072
296-54-54760	NEW-P	99-08-072	296-54-58120	NEW	99-17-117	296-54-70110	NEW	99-17-117
296-54-54760	NEW	99-17-117	296-54-58130	NEW-P	99-08-072	296-54-70120	NEW-P	99-08-072
296-54-54770	RECOD	99-17-117	296-54-58130	NEW	99-17-117	296-54-70120	NEW	99-17-117
296-54-549	AMD-P	99-08-072	296-54-583	AMD-P	99-08-072	296-54-70130	NEW-P	99-08-072
296-54-549	AMD	99-17-117	296-54-583	AMD	99-17-117	296-54-70130	NEW	99-17-117
296-54-551	AMD-P	99-08-072	296-54-584	NEW	99-17-117	296-54-703	NEW-P	99-08-072
296-54-551	AMD	99-17-117	296-54-585	AMD-P	99-08-072	296-54-705	NEW-P	99-08-072
296-54-553	AMD-P	99-08-072	296-54-585	AMD	99-17-117	296-54-705	NEW	99-17-117
296-54-553	AMD	99-17-117	296-54-587	AMD-P	99-08-072	296-54-707	NEW-P	99-08-072
296-54-555	AMD-P	99-08-072	296-54-587	AMD	99-17-117	296-54-707	NEW	99-17-117
296-54-555	AMD	99-17-117	296-54-589	AMD-P	99-08-072	296-54-99002	AMD-P	99-08-072
296-54-557	AMD-P	99-08-072	296-54-589	AMD	99-17-117	296-54-99002	AMD	99-17-117
296-54-557	AMD	99-17-117	296-54-58910	NEW-P	99-08-072	296-54-99003	AMD-P	99-08-072
296-54-55710	NEW-P	99-08-072	296-54-58910	NEW	99-17-117	296-54-99003	AMD	99-17-117
296-54-55710	NEW	99-17-117	296-54-58920	NEW-P	99-08-072	296-54-99004	AMD-P	99-08-072
296-54-55720	NEW-P	99-08-072	296-54-58920	NEW	99-17-117	296-54-99004	AMD	99-17-117
296-54-55720	NEW	99-17-117	296-54-58930	NEW-P	99-08-072	296-54-99007	REP-P	99-08-072
296-54-55730	NEW-P	99-08-072	296-54-58930	NEW	99-17-117	296-54-99008	REP-P	99-08-072
296-54-55730	NEW	99-17-117	296-54-58940	NEW-P	99-08-072	296-54-99009	REP-P	99-08-072
296-54-559	AMD-P	99-08-072	296-54-58940	NEW	99-17-117	296-54-99010	REP-P	99-08-072
296-54-559	AMD	99-17-117	296-54-58950	NEW-P	99-08-072	296-54-99013	NEW-P	99-08-072
296-54-559	DECOD	99-17-117	296-54-58950	NEW	99-17-117	296-54-99013	NEW	99-17-117
296-54-561	AMD-P	99-08-072	296-54-58960	NEW-P	99-08-072	296-54-99014	NEW-P	99-08-072
296-54-561	AMD	99-17-117	296-54-58960	NEW	99-17-117	296-56	PREP	99-02-083
296-54-563	AMD-P	99-08-072	296-54-58970	NEW-P	99-08-072	296-56	PREP	99-12-037
296-54-563	AMD	99-17-117	296-54-58970	NEW	99-17-117	296-56-60053	AMD	99-10-071
296-54-565	AMD-P	99-08-072	296-54-591	AMD-P	99-08-072	296-56-60077	AMD-P	99-16-084
296-54-565	AMD	99-17-117	296-54-591	AMD	99-17-117	296-56-60235	AMD	99-10-071
296-54-567	AMD-P	99-08-072	296-54-593	AMD-P	99-08-072	296-59	PREP	99-02-083
296-54-567	AMD	99-17-117	296-54-593	AMD	99-17-117	296-59	PREP	99-06-040
296-54-569	AMD-P	99-08-072	296-54-59310	NEW-P	99-08-072	296-59-035	AMD-P	99-15-086
296-54-569	AMD	99-17-117	296-54-59310	NEW	99-17-117	296-59-040	REP-P	99-15-086
296-54-571	AMD-P	99-08-072	296-54-59320	NEW-P	99-08-072	296-62	PREP	99-02-083
296-54-571	AMD	99-17-117	296-54-59320	NEW	99-17-117	296-62	PREP	99-04-057
296-54-573	AMD-P	99-08-072	296-54-59330	NEW-P	99-08-072	296-62	PREP	99-07-014
296-54-573	AMD	99-17-117	296-54-59330	NEW	99-17-117	296-62-071	AMD	99-10-071
296-54-57310	NEW-P	99-08-072	296-54-59340	NEW-P	99-08-072	296-62-07101	AMD	99-10-071
296-54-57310	NEW	99-17-117	296-54-59340	NEW	99-17-117	296-62-07102	NEW	99-10-071
296-54-57315	NEW-P	99-08-072	296-54-595	AMD-P	99-08-072	296-62-07103	AMD	99-10-071
296-54-57315	NEW	99-17-117	296-54-595	AMD	99-17-117	296-62-07105	AMD	99-10-071
296-54-57320	NEW-P	99-08-072	296-54-59510	NEW-P	99-08-072	296-62-07107	AMD	99-10-071
296-54-57320	NEW	99-17-117	296-54-59510	NEW	99-17-117	296-62-07109	AMD	99-10-071
296-54-57325	NEW-P	99-08-072	296-54-59520	NEW-P	99-08-072	296-62-07111	AMD	99-10-071
296-54-57325	NEW	99-17-117	296-54-59520	NEW	99-17-117	296-62-07113	AMD	99-10-071
296-54-57330	NEW-P	99-08-072	296-54-597	AMD-P	99-08-072	296-62-07115	AMD	99-10-071
296-54-57330	NEW	99-17-117	296-54-597	AMD	99-17-117	296-62-07117	AMD	99-10-071
296-54-57335	NEW-P	99-08-072	296-54-59710	NEW-P	99-08-072	296-62-07119	REP	99-10-071
296-54-57335	NEW	99-17-117	296-54-59710	NEW	99-17-117	296-62-07121	REP	99-10-071
296-54-57340	NEW-P	99-08-072	296-54-59720	NEW-P	99-08-072	296-62-07130	NEW	99-10-071
296-54-57340	NEW	99-17-117	296-54-59720	NEW	99-17-117	296-62-07131	NEW	99-10-071
296-54-57345	NEW-P	99-08-072	296-54-59730	NEW-P	99-08-072	296-62-07132	NEW	99-10-071

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-07133	NEW	99-10-071	296-62-07267	NEW	99-10-071	296-62-07721	AMD-P	99-08-071
296-62-07150	NEW	99-10-071	296-62-07269	NEW	99-10-071	296-62-07721	AMD	99-17-026
296-62-07151	NEW	99-10-071	296-62-07271	NEW	99-10-071	296-62-07722	AMD-P	99-08-071
296-62-07152	NEW	99-10-071	296-62-07273	NEW	99-10-071	296-62-07722	AMD	99-10-071
296-62-07153	NEW	99-10-071	296-62-07275	NEW	99-10-071	296-62-07722	AMD	99-17-026
296-62-07154	NEW	99-10-071	296-62-07277	NEW	99-10-071	296-62-07728	AMD-P	99-08-071
296-62-07155	NEW	99-10-071	296-62-07279	NEW	99-10-071	296-62-07728	AMD	99-17-026
296-62-07156	NEW	99-10-071	296-62-07281	NEW	99-10-071	296-62-07733	AMD	99-10-071
296-62-07160	NEW	99-10-071	296-62-07283	NEW	99-10-071	296-62-07735	AMD-P	99-08-071
296-62-07161	NEW	99-10-071	296-62-07285	NEW	99-10-071	296-62-07735	AMD	99-17-026
296-62-07162	NEW	99-10-071	296-62-07287	NEW	99-10-071	296-62-07737	AMD-P	99-08-071
296-62-07170	NEW	99-10-071	296-62-07289	NEW	99-10-071	296-62-07737	AMD	99-17-026
296-62-07171	NEW	99-10-071	296-62-07291	NEW	99-10-071	296-62-07739	REP	99-10-071
296-62-07172	NEW	99-10-071	296-62-07293	NEW	99-10-071	296-62-11019	AMD	99-10-071
296-62-07175	NEW	99-10-071	296-62-07295	NEW	99-10-071	296-62-11021	AMD	99-10-071
296-62-07176	NEW	99-10-071	296-62-07306	AMD	99-10-071	296-62-130	AMD	99-07-063
296-62-07177	NEW	99-10-071	296-62-07308	AMD	99-10-071	296-62-14100	NEW-P	99-13-144
296-62-07178	NEW	99-10-071	296-62-07329	AMD	99-10-071	296-62-14105	NEW-P	99-13-144
296-62-07179	NEW	99-10-071	296-62-07336	AMD	99-10-071	296-62-14110	NEW-P	99-13-144
296-62-07182	NEW	99-10-071	296-62-07337	AMD	99-10-071	296-62-14115	NEW-P	99-13-144
296-62-07184	NEW	99-10-071	296-62-07342	AMD	99-10-071	296-62-14120	NEW-P	99-13-144
296-62-07186	NEW	99-10-071	296-62-07343	AMD	99-10-071	296-62-14125	NEW-P	99-13-144
296-62-07188	NEW	99-10-071	296-62-07347	AMD	99-10-071	296-62-14130	NEW-P	99-13-144
296-62-07190	NEW	99-10-071	296-62-07347	AMD-XA	99-12-089	296-62-14135	NEW-P	99-13-144
296-62-07192	NEW	99-10-071	296-62-07347	AMD	99-17-094	296-62-14140	NEW-P	99-13-144
296-62-07194	NEW	99-10-071	296-62-07354	AMD-XA	99-12-089	296-62-14145	NEW-P	99-13-144
296-62-07201	NEW	99-10-071	296-62-07354	AMD	99-17-094	296-62-14150	NEW-P	99-13-144
296-62-07202	NEW	99-10-071	296-62-07367	AMD	99-10-071	296-62-14155	NEW-P	99-13-144
296-62-07203	NEW	99-10-071	296-62-07369	AMD	99-10-071	296-62-14170	NEW-P	99-13-144
296-62-07205	NEW	99-10-071	296-62-07379	REP	99-10-071	296-62-14171	NEW-P	99-13-144
296-62-07206	NEW	99-10-071	296-62-07383	AMD	99-10-071	296-62-14172	NEW-P	99-13-144
296-62-07208	NEW	99-10-071	296-62-07413	AMD	99-10-071	296-62-14173	NEW-P	99-13-144
296-62-07209	NEW	99-10-071	296-62-07425	AMD	99-10-071	296-62-14174	NEW-P	99-13-144
296-62-07210	NEW	99-10-071	296-62-07431	REP	99-10-071	296-62-14175	NEW-P	99-13-144
296-62-07212	NEW	99-10-071	296-62-07433	AMD-XA	99-12-089	296-62-14176	NEW-P	99-13-144
296-62-07213	NEW	99-10-071	296-62-07433	AMD	99-17-094	296-62-14500	REP-P	99-13-144
296-62-07214	NEW	99-10-071	296-62-07441	AMD	99-10-071	296-62-14501	REP-P	99-13-144
296-62-07217	NEW	99-10-071	296-62-07445	REP	99-10-071	296-62-14503	REP-P	99-13-144
296-62-07218	NEW	99-10-071	296-62-07460	AMD	99-10-071	296-62-14505	REP-P	99-13-144
296-62-07219	NEW	99-10-071	296-62-07470	AMD	99-10-071	296-62-14507	REP-P	99-13-144
296-62-07222	NEW	99-10-071	296-62-07521	AMD	99-10-071	296-62-14509	REP-P	99-13-144
296-62-07223	NEW	99-10-071	296-62-07523	AMD	99-10-071	296-62-14511	REP-P	99-13-144
296-62-07224	NEW	99-10-071	296-62-07533	REP	99-10-071	296-62-14513	REP-P	99-13-144
296-62-07225	NEW	99-10-071	296-62-07540	AMD	99-10-071	296-62-14515	REP-P	99-13-144
296-62-07230	NEW	99-10-071	296-62-07542	AMD-XA	99-12-089	296-62-14517	REP-P	99-13-144
296-62-07231	NEW	99-10-071	296-62-07542	AMD	99-17-094	296-62-14519	REP-P	99-13-144
296-62-07233	NEW	99-10-071	296-62-07550	REP	99-10-071	296-62-14520	REP-P	99-13-144
296-62-07234	NEW	99-10-071	296-62-07615	AMD	99-10-071	296-62-14521	REP-P	99-13-144
296-62-07235	NEW	99-10-071	296-62-07635	REP	99-10-071	296-62-14523	REP-P	99-13-144
296-62-07236	NEW	99-10-071	296-62-07639	REP	99-10-071	296-62-14525	REP-P	99-13-144
296-62-07238	NEW	99-10-071	296-62-07662	REP	99-10-071	296-62-14527	REP-P	99-13-144
296-62-07239	NEW	99-10-071	296-62-07664	REP	99-10-071	296-62-14529	REP-P	99-13-144
296-62-07240	NEW	99-10-071	296-62-07666	REP	99-10-071	296-62-14533	AMD	99-10-071
296-62-07242	NEW	99-10-071	296-62-07668	REP	99-10-071	296-62-20011	AMD	99-10-071
296-62-07243	NEW	99-10-071	296-62-07670	REP	99-10-071	296-62-20017	AMD-XA	99-12-089
296-62-07245	NEW	99-10-071	296-62-07672	REP	99-10-071	296-62-20017	AMD	99-17-094
296-62-07246	NEW	99-10-071	296-62-07701	AMD-P	99-08-071	296-62-20019	AMD	99-10-071
296-62-07247	NEW	99-10-071	296-62-07701	AMD	99-17-026	296-62-20027	AMD	99-10-071
296-62-07248	NEW	99-10-071	296-62-07703	AMD-P	99-08-071	296-62-20027	AMD-XA	99-12-089
296-62-07251	NEW	99-10-071	296-62-07703	AMD	99-17-026	296-62-20027	AMD	99-17-094
296-62-07253	NEW	99-10-071	296-62-07709	AMD-P	99-08-071	296-62-20029	AMD-XA	99-12-089
296-62-07255	NEW	99-10-071	296-62-07709	AMD	99-17-026	296-62-20029	AMD	99-17-094
296-62-07257	NEW	99-10-071	296-62-07712	AMD-P	99-08-071	296-62-300	AMD	99-07-097
296-62-07260	NEW	99-10-071	296-62-07712	AMD	99-17-026	296-62-30001	NEW	99-07-097
296-62-07261	NEW	99-10-071	296-62-07713	AMD-P	99-08-071	296-62-30003	NEW	99-07-097
296-62-07263	NEW	99-10-071	296-62-07713	AMD	99-17-026	296-62-3010	AMD	99-07-097
296-62-07265	NEW	99-10-071	296-62-07715	AMD	99-10-071	296-62-30105	NEW	99-07-097

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-62-30110	NEW	99-07-097	296-62-31110	NEW	99-07-097	296-62-41086	NEW	99-07-097
296-62-30115	NEW	99-07-097	296-62-3112	REP	99-07-097	296-63	PREP	99-02-083
296-62-30120	NEW	99-07-097	296-62-3120	AMD	99-07-097	296-65	PREP	99-02-083
296-62-30125	NEW	99-07-097	296-62-3130	AMD	99-07-097	296-65-003	AMD-P	99-08-071
296-62-30130	NEW	99-07-097	296-62-31305	NEW	99-07-097	296-65-003	AMD	99-17-026
296-62-30135	NEW	99-07-097	296-62-31310	NEW	99-07-097	296-65-010	AMD-P	99-08-071
296-62-30140	NEW	99-07-097	296-62-31315	NEW	99-07-097	296-65-010	AMD	99-17-026
296-62-30145	NEW	99-07-097	296-62-31320	NEW	99-07-097	296-65-012	AMD-P	99-08-071
296-62-3020	AMD	99-07-097	296-62-31325	NEW	99-07-097	296-65-012	AMD	99-17-026
296-62-30205	NEW	99-07-097	296-62-31330	NEW	99-07-097	296-65-020	AMD-P	99-08-071
296-62-30210	NEW	99-07-097	296-62-31335	NEW	99-07-097	296-65-020	AMD	99-17-026
296-62-30215	NEW	99-07-097	296-62-3138	AMD	99-07-097	296-65-025	AMD-P	99-08-071
296-62-30220	NEW	99-07-097	296-62-3140	AMD	99-07-097	296-65-025	AMD	99-17-026
296-62-30225	NEW	99-07-097	296-62-31405	NEW	99-07-097	296-65-030	AMD-P	99-08-071
296-62-30230	NEW	99-07-097	296-62-31410	NEW	99-07-097	296-65-030	AMD	99-17-026
296-62-30235	NEW	99-07-097	296-62-31415	NEW	99-07-097	296-67	PREP	99-02-083
296-62-3030	AMD	99-07-097	296-62-31420	NEW	99-07-097	296-78	PREP	99-02-083
296-62-30305	NEW	99-07-097	296-62-31425	NEW	99-07-097	296-78	PREP	99-06-040
296-62-30310	NEW	99-07-097	296-62-31430	NEW	99-07-097	296-78	PREP	99-12-037
296-62-30315	NEW	99-07-097	296-62-31435	NEW	99-07-097	296-78-540	AMD-P	99-15-086
296-62-3040	AMD	99-07-097	296-62-31440	NEW	99-07-097	296-78-545	AMD-P	99-15-086
296-62-30405	NEW	99-07-097	296-62-31445	NEW	99-07-097	296-78-550	AMD-P	99-15-086
296-62-30410	NEW	99-07-097	296-62-31450	NEW	99-07-097	296-78-555	REP-P	99-15-086
296-62-30415	NEW	99-07-097	296-62-31455	NEW	99-07-097	296-78-665	AMD	99-10-071
296-62-30420	NEW	99-07-097	296-62-31460	NEW	99-07-097	296-78-71019	AMD	99-10-071
296-62-30425	NEW	99-07-097	296-62-31465	NEW	99-07-097	296-79	PREP	99-02-083
296-62-30430	NEW	99-07-097	296-62-31470	NEW	99-07-097	296-79-010	AMD-P	99-06-071
296-62-30435	NEW	99-07-097	296-62-3152	AMD	99-07-097	296-79-010	AMD	99-16-083
296-62-30440	NEW	99-07-097	296-62-3160	AMD	99-07-097	296-79-011	NEW-P	99-06-071
296-62-30445	NEW	99-07-097	296-62-3180	AMD	99-07-097	296-79-011	NEW	99-16-083
296-62-30450	NEW	99-07-097	296-62-3190	AMD	99-07-097	296-79-020	AMD-P	99-06-071
296-62-30455	NEW	99-07-097	296-62-3195	AMD	99-07-097	296-79-020	AMD	99-16-083
296-62-30460	NEW	99-07-097	296-62-410	NEW	99-07-097	296-79-020	AMD	99-16-083
296-62-30465	NEW	99-07-097	296-62-41001	NEW	99-07-097	296-79-030	AMD-P	99-06-071
296-62-3050	AMD	99-07-097	296-62-41003	NEW	99-07-097	296-79-030	AMD	99-16-083
296-62-30505	NEW	99-07-097	296-62-41010	NEW	99-07-097	296-79-040	AMD-P	99-06-071
296-62-30510	NEW	99-07-097	296-62-41011	NEW	99-07-097	296-79-040	AMD	99-16-083
296-62-30515	NEW	99-07-097	296-62-41013	NEW	99-07-097	296-79-050	AMD-P	99-06-071
296-62-30520	NEW	99-07-097	296-62-41015	NEW	99-07-097	296-79-050	AMD	99-16-083
296-62-30525	NEW	99-07-097	296-62-41017	NEW	99-07-097	296-79-060	REP-P	99-06-071
296-62-30530	NEW	99-07-097	296-62-41019	NEW	99-07-097	296-79-060	REP	99-16-083
296-62-30535	NEW	99-07-097	296-62-41020	NEW	99-07-097	296-79-070	AMD-P	99-06-071
296-62-3060	AMD	99-07-097	296-62-41021	NEW	99-07-097	296-79-070	AMD	99-16-083
296-62-30605	NEW	99-07-097	296-62-41023	NEW	99-07-097	296-79-080	AMD-P	99-06-071
296-62-30610	NEW	99-07-097	296-62-41025	NEW	99-07-097	296-79-080	AMD	99-16-083
296-62-30615	NEW	99-07-097	296-62-41025	AMD-XA	99-12-089	296-79-090	AMD-P	99-06-071
296-62-3070	AMD	99-07-097	296-62-41025	AMD	99-17-094	296-79-090	AMD	99-16-083
296-62-30705	NEW	99-07-097	296-62-41030	NEW	99-07-097	296-79-100	AMD-P	99-06-071
296-62-30710	NEW	99-07-097	296-62-41031	NEW	99-07-097	296-79-100	AMD	99-16-083
296-62-30715	NEW	99-07-097	296-62-41033	NEW	99-07-097	296-79-110	AMD-P	99-06-071
296-62-3080	AMD	99-07-097	296-62-41035	NEW	99-07-097	296-79-110	AMD	99-16-083
296-62-3090	AMD	99-07-097	296-62-41040	NEW	99-07-097	296-79-120	AMD-P	99-06-071
296-62-30905	NEW	99-07-097	296-62-41041	NEW	99-07-097	296-79-120	AMD	99-16-083
296-62-30910	NEW	99-07-097	296-62-41042	NEW	99-07-097	296-79-130	AMD-P	99-06-071
296-62-30915	NEW	99-07-097	296-62-41043	NEW	99-07-097	296-79-130	AMD	99-16-083
296-62-30920	NEW	99-07-097	296-62-41044	NEW	99-07-097	296-79-140	AMD-P	99-06-071
296-62-30925	NEW	99-07-097	296-62-41045	NEW	99-07-097	296-79-140	AMD	99-16-083
296-62-30930	NEW	99-07-097	296-62-41046	NEW	99-07-097	296-79-150	AMD-P	99-06-071
296-62-30935	NEW	99-07-097	296-62-41047	NEW	99-07-097	296-79-150	AMD	99-16-083
296-62-30940	NEW	99-07-097	296-62-41060	NEW	99-07-097	296-79-160	AMD-P	99-06-071
296-62-3100	AMD	99-07-097	296-62-41061	NEW	99-07-097	296-79-160	AMD	99-16-083
296-62-31005	NEW	99-07-097	296-62-41063	NEW	99-07-097	296-79-170	AMD-P	99-06-071
296-62-31010	NEW	99-07-097	296-62-41080	NEW	99-07-097	296-79-170	AMD	99-16-083
296-62-31015	NEW	99-07-097	296-62-41081	NEW	99-07-097	296-79-180	AMD-P	99-06-071
296-62-31020	NEW	99-07-097	296-62-41082	NEW	99-07-097	296-79-180	AMD	99-16-083
296-62-3110	AMD	99-07-097	296-62-41084	NEW	99-07-097	296-79-190	AMD-P	99-06-071
296-62-31105	NEW	99-07-097	296-62-41085	NEW	99-07-097	296-79-190	AMD	99-16-083
						296-79-200	AMD-P	99-06-071

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-79-200	AMD	99-16-083	296-79-29031	AMD-P	99-06-071	296-104-030	AMD-P	99-17-028
296-79-210	AMD-P	99-06-071	296-79-29031	AMD	99-16-083	296-104-035	PREP	99-05-021
296-79-210	AMD	99-16-083	296-79-29033	AMD-P	99-06-071	296-104-035	AMD-P	99-17-028
296-79-220	AMD-P	99-06-071	296-79-29033	AMD	99-16-083	296-104-040	PREP	99-05-021
296-79-220	AMD	99-16-083	296-79-29035	AMD-P	99-06-071	296-104-040	AMD-P	99-17-028
296-79-230	AMD-P	99-06-071	296-79-29035	AMD	99-16-083	296-104-045	PREP	99-05-021
296-79-230	AMD	99-16-083	296-79-29037	AMD-P	99-06-071	296-104-045	AMD-P	99-17-028
296-79-240	AMD-P	99-06-071	296-79-29037	AMD	99-16-083	296-104-050	PREP	99-05-021
296-79-240	AMD	99-16-083	296-79-300	AMD-P	99-06-071	296-104-050	AMD-P	99-17-028
296-79-250	AMD-P	99-06-071	296-79-300	AMD	99-16-083	296-104-055	PREP	99-05-021
296-79-250	AMD	99-16-083	296-79-310	AMD-P	99-06-071	296-104-055	AMD-P	99-17-028
296-79-255	REP-P	99-06-071	296-79-310	AMD	99-16-083	296-104-060	PREP	99-05-021
296-79-255	REP	99-16-083	296-79-31001	AMD-P	99-06-071	296-104-060	AMD-P	99-17-028
296-79-260	AMD-P	99-06-071	296-79-31001	AMD	99-16-083	296-104-065	PREP	99-05-021
296-79-260	AMD	99-16-083	296-79-31003	AMD-P	99-06-071	296-104-065	AMD-P	99-17-028
296-79-270	AMD-P	99-06-071	296-79-31003	AMD	99-16-083	296-104-100	PREP	99-05-021
296-79-270	AMD	99-16-083	296-79-31005	REP-P	99-06-071	296-104-100	AMD-P	99-17-028
296-79-27001	REP-P	99-06-071	296-79-31005	REP	99-16-083	296-104-102	PREP	99-05-021
296-79-27001	REP	99-16-083	296-79-31007	REP-P	99-06-071	296-104-102	AMD-P	99-17-028
296-79-27003	AMD-P	99-06-071	296-79-31007	REP	99-16-083	296-104-105	PREP	99-05-021
296-79-27003	AMD	99-16-083	296-79-31009	AMD-P	99-06-071	296-104-105	AMD-P	99-17-028
296-79-27005	AMD-P	99-06-071	296-79-31009	AMD	99-16-083	296-104-107	PREP	99-05-021
296-79-27005	AMD	99-16-083	296-79-31011	REP-P	99-06-071	296-104-107	REP-P	99-17-028
296-79-27007	AMD-P	99-06-071	296-79-31011	REP	99-16-083	296-104-110	PREP	99-05-021
296-79-27007	AMD	99-16-083	296-79-31013	REP-P	99-06-071	296-104-110	AMD-P	99-17-028
296-79-27009	AMD-P	99-06-071	296-79-31013	REP	99-16-083	296-104-115	PREP	99-05-021
296-79-27009	AMD	99-16-083	296-79-320	AMD-P	99-06-071	296-104-115	AMD-P	99-17-028
296-79-27011	AMD-P	99-06-071	296-79-320	AMD	99-16-083	296-104-125	PREP	99-05-021
296-79-27011	AMD	99-16-083	296-86A-020	AMD-P	99-08-128	296-104-125	AMD-P	99-17-028
296-79-27013	AMD-P	99-06-071	296-86A-020	AMD	99-12-080	296-104-130	PREP	99-05-021
296-79-27013	AMD	99-16-083	296-86A-025	AMD-P	99-08-128	296-104-130	AMD-P	99-17-028
296-79-27015	AMD-P	99-06-071	296-86A-025	AMD	99-12-080	296-104-135	PREP	99-05-021
296-79-27015	AMD	99-16-083	296-86A-028	AMD-P	99-08-128	296-104-135	AMD-P	99-17-028
296-79-280	AMD-P	99-06-071	296-86A-028	AMD	99-12-080	296-104-140	PREP	99-05-021
296-79-280	AMD	99-16-083	296-86A-030	AMD-P	99-08-128	296-104-140	AMD-P	99-17-028
296-79-290	AMD-P	99-06-071	296-86A-030	AMD	99-12-080	296-104-145	PREP	99-05-021
296-79-290	AMD	99-16-083	296-86A-040	AMD-P	99-08-128	296-104-145	AMD-P	99-17-028
296-79-29001	AMD-P	99-06-071	296-86A-040	AMD	99-12-080	296-104-150	PREP	99-05-021
296-79-29001	AMD	99-16-083	296-86A-060	AMD-P	99-08-128	296-104-150	AMD-P	99-17-028
296-79-29003	AMD-P	99-06-071	296-86A-060	AMD	99-12-080	296-104-151	PREP	99-05-021
296-79-29003	AMD	99-16-083	296-86A-070	AMD-P	99-08-128	296-104-151	AMD-P	99-17-028
296-79-29005	AMD-P	99-06-071	296-86A-070	AMD	99-12-080	296-104-155	PREP	99-05-021
296-79-29005	AMD	99-16-083	296-86A-073	AMD-P	99-08-128	296-104-155	AMD-P	99-17-028
296-79-29007	AMD-P	99-06-071	296-86A-073	AMD	99-12-080	296-104-160	PREP	99-05-021
296-79-29007	AMD	99-16-083	296-86A-074	AMD-P	99-08-128	296-104-160	AMD-P	99-17-028
296-79-29009	AMD-P	99-06-071	296-86A-074	AMD	99-12-080	296-104-165	PREP	99-05-021
296-79-29009	AMD	99-16-083	296-86A-075	AMD-P	99-08-128	296-104-165	AMD-P	99-17-028
296-79-29011	AMD-P	99-06-071	296-86A-075	AMD	99-12-080	296-104-170	PREP	99-05-021
296-79-29011	AMD	99-16-083	296-86A-080	AMD-P	99-08-128	296-104-170	AMD-P	99-17-028
296-79-29013	AMD-P	99-06-071	296-86A-080	AMD	99-12-080	296-104-285	REP-P	99-04-036
296-79-29013	AMD	99-16-083	296-99	PREP	99-02-083	296-104-285	REP	99-08-049
296-79-29015	AMD-P	99-06-071	296-104-001	PREP	99-05-021	296-104-502	PREP	99-05-021
296-79-29015	AMD	99-16-083	296-104-001	AMD-P	99-17-028	296-104-502	AMD-P	99-17-028
296-79-29017	AMD-P	99-06-071	296-104-002	PREP	99-05-021	296-104-700	AMD-P	99-04-036
296-79-29017	AMD	99-16-083	296-104-002	REP-P	99-17-028	296-104-700	AMD	99-08-049
296-79-29019	REP-P	99-06-071	296-104-010	PREP	99-05-021	296-115	PREP	99-02-083
296-79-29019	REP	99-16-083	296-104-010	AMD-P	99-17-028	296-125-019	REP-XR	99-12-113
296-79-29021	AMD-P	99-06-071	296-104-015	PREP	99-05-021	296-125-019	REP	99-15-071
296-79-29021	AMD	99-16-083	296-104-015	AMD-P	99-17-028	296-125-0212	NEW-W	99-09-081
296-79-29023	AMD-P	99-06-071	296-104-017	PREP	99-05-021	296-125-0630	NEW-W	99-09-081
296-79-29023	AMD	99-16-083	296-104-018	PREP	99-05-021	296-125-0725	NEW-W	99-09-081
296-79-29025	REP-P	99-06-071	296-104-018	AMD-P	99-17-028	296-150C	PREP	99-05-078
296-79-29025	REP	99-16-083	296-104-020	PREP	99-05-021	296-150C-0020	AMD-XA	99-17-116
296-79-29027	AMD-P	99-06-071	296-104-020	AMD-P	99-17-028	296-150C-0140	NEW-P	99-08-129
296-79-29027	AMD	99-16-083	296-104-025	PREP	99-05-021	296-150C-0140	NEW	99-13-010
296-79-29029	AMD-P	99-06-071	296-104-025	AMD-P	99-17-028	296-150C-0320	AMD-P	99-08-129
296-79-29029	AMD	99-16-083	296-104-030	PREP	99-05-021	296-150C-0320	AMD	99-13-010

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-150C-0330	REP-XR	99-16-113	296-150F-0620	NEW-P	99-08-129	296-150T-0110	NEW-P	99-08-130
296-150C-0410	AMD-XA	99-17-116	296-150F-0620	NEW	99-13-010	296-150T-0110	NEW	99-12-079
296-150C-0500	AMD-XA	99-17-116	296-150F-0625	NEW-P	99-08-129	296-150T-0120	NEW-P	99-08-130
296-150C-0805	NEW-P	99-08-129	296-150F-0625	NEW	99-13-010	296-150T-0120	NEW	99-12-079
296-150C-0805	NEW	99-13-010	296-150F-3000	AMD-P	99-08-128	296-150T-0130	NEW-P	99-08-130
296-150C-0810	AMD-P	99-08-129	296-150F-3000	AMD	99-12-080	296-150T-0130	NEW	99-12-079
296-150C-0810	AMD	99-13-010	296-150M	PREP	99-05-078	296-150T-0140	NEW-P	99-08-130
296-150C-0960	AMD-P	99-08-129	296-150M-0020	AMD-P	99-08-129	296-150T-0140	NEW	99-12-079
296-150C-0960	AMD	99-13-010	296-150M-0020	AMD	99-13-010	296-150T-0200	NEW-P	99-08-130
296-150C-1080	AMD-P	99-08-129	296-150M-0120	NEW-P	99-08-129	296-150T-0200	NEW	99-12-079
296-150C-1080	AMD	99-13-010	296-150M-0120	NEW	99-13-010	296-150T-0210	NEW-P	99-08-130
296-150C-1345	NEW-P	99-08-129	296-150M-0140	NEW-P	99-08-129	296-150T-0210	NEW	99-12-079
296-150C-1345	NEW	99-13-010	296-150M-0140	NEW	99-13-010	296-150T-0220	NEW-P	99-08-130
296-150C-1545	NEW-P	99-08-129	296-150M-0306	AMD-P	99-08-129	296-150T-0220	NEW	99-12-079
296-150C-1545	NEW	99-13-010	296-150M-0306	AMD	99-13-010	296-150T-0230	NEW-P	99-08-130
296-150C-1580	AMD-P	99-08-129	296-150M-0309	NEW-P	99-08-129	296-150T-0230	NEW	99-12-079
296-150C-1580	AMD-W	99-13-011	296-150M-0309	NEW	99-13-010	296-150T-0250	NEW-P	99-08-130
296-150C-1580	REP-XR	99-16-113	296-150M-0400	REP-P	99-08-129	296-150T-0250	NEW	99-12-079
296-150C-1590	REP-XR	99-16-113	296-150M-0400	REP	99-13-010	296-150T-0300	NEW-P	99-08-130
296-150C-1600	REP-XR	99-16-113	296-150M-0600	AMD-P	99-08-129	296-150T-0300	NEW	99-12-079
296-150C-1610	REP-XR	99-16-113	296-150M-0600	AMD	99-13-010	296-150T-0320	NEW-P	99-08-130
296-150C-1620	REP-XR	99-16-113	296-150M-0610	AMD-P	99-08-129	296-150T-0320	NEW	99-12-079
296-150C-1630	REP-XR	99-16-113	296-150M-0610	AMD	99-13-010	296-150T-0340	NEW-P	99-08-130
296-150C-1640	REP-XR	99-16-113	296-150M-0614	NEW-P	99-08-129	296-150T-0340	NEW	99-12-079
296-150C-1650	REP-XR	99-16-113	296-150M-0614	NEW	99-13-010	296-150T-0350	NEW-P	99-08-130
296-150C-1660	REP-XR	99-16-113	296-150M-0615	NEW-P	99-08-129	296-150T-0350	NEW	99-12-079
296-150C-1670	REP-XR	99-16-113	296-150M-0615	NEW	99-13-010	296-150T-0380	NEW-P	99-08-130
296-150C-1680	REP-XR	99-16-113	296-150M-0640	AMD-P	99-08-129	296-150T-0380	NEW	99-12-079
296-150C-1690	REP-XR	99-16-113	296-150M-0640	AMD	99-13-010	296-150T-0390	NEW-P	99-08-130
296-150C-1700	REP-XR	99-16-113	296-150M-0655	NEW-P	99-08-129	296-150T-0390	NEW	99-12-079
296-150C-1710	REP-XR	99-16-113	296-150M-0655	NEW	99-13-010	296-150T-0400	NEW-P	99-08-130
296-150C-1720	REP-XR	99-16-113	296-150M-3000	AMD-P	99-08-128	296-150T-0400	NEW	99-12-079
296-150C-1730	REP-XR	99-16-113	296-150M-3000	AMD	99-12-080	296-150T-0410	NEW-P	99-08-130
296-150C-1740	REP-XR	99-16-113	296-150P	PREP	99-05-078	296-150T-0410	NEW	99-12-079
296-150C-1750	REP-XR	99-16-113	296-150P-0020	AMD-P	99-08-129	296-150T-0500	NEW-P	99-08-130
296-150C-1751	REP-XR	99-16-113	296-150P-0020	AMD	99-13-010	296-150T-0500	NEW	99-12-079
296-150C-1752	REP-XR	99-16-113	296-150P-0050	NEW-P	99-08-129	296-150T-0510	NEW-P	99-08-130
296-150C-1753	REP-XR	99-16-113	296-150P-0050	NEW	99-13-010	296-150T-0510	NEW	99-12-079
296-150C-1754	REP-XR	99-16-113	296-150P-0140	NEW-P	99-08-129	296-150T-0520	NEW-P	99-08-130
296-150C-1755	REP-XR	99-16-113	296-150P-0140	NEW	99-13-010	296-150T-0520	NEW	99-12-079
296-150C-1756	REP-XR	99-16-113	296-150P-3000	AMD-P	99-08-128	296-150T-0530	NEW-P	99-08-130
296-150C-1757	REP-XR	99-16-113	296-150P-3000	AMD	99-12-080	296-150T-0530	NEW	99-12-079
296-150C-1758	REP-XR	99-16-113	296-150R	PREP	99-05-078	296-150T-0540	NEW-P	99-08-130
296-150C-1759	REP-XR	99-16-113	296-150R-0020	AMD-P	99-08-129	296-150T-0540	NEW	99-12-079
296-150C-1760	REP-XR	99-16-113	296-150R-0020	AMD	99-13-010	296-150T-0550	NEW-P	99-08-130
296-150C-1770	REP-XR	99-16-113	296-150R-0050	NEW-P	99-08-129	296-150T-0550	NEW	99-12-079
296-150C-1780	REP-XR	99-16-113	296-150R-0050	NEW	99-13-010	296-150T-0580	NEW-P	99-08-130
296-150C-1790	REP-XR	99-16-113	296-150R-0140	NEW-P	99-08-129	296-150T-0580	NEW	99-12-079
296-150C-1800	REP-XR	99-16-113	296-150R-0140	NEW	99-13-010	296-150T-0590	NEW-P	99-08-130
296-150C-1810	REP-XR	99-16-113	296-150R-3000	AMD-P	99-08-128	296-150T-0590	NEW	99-12-079
296-150C-1820	REP-XR	99-16-113	296-150R-3000	AMD	99-12-080	296-150T-0600	NEW-P	99-08-130
296-150C-1830	REP-XR	99-16-113	296-150T-0010	NEW-P	99-08-130	296-150T-0600	NEW	99-12-079
296-150C-3000	AMD-P	99-08-128	296-150T-0010	NEW	99-12-079	296-150T-0700	NEW-P	99-08-130
296-150C-3000	AMD	99-12-080	296-150T-0020	NEW-P	99-08-130	296-150T-0700	NEW	99-12-079
296-150F	PREP	99-05-078	296-150T-0020	NEW	99-12-079	296-150T-0710	NEW-P	99-08-130
296-150F-0050	NEW-P	99-08-129	296-150T-0030	NEW-P	99-08-130	296-150T-0710	NEW	99-12-079
296-150F-0050	NEW	99-13-010	296-150T-0030	NEW	99-12-079	296-150T-0720	NEW-P	99-08-130
296-150F-0140	NEW-P	99-08-129	296-150T-0040	NEW-P	99-08-130	296-150T-0720	NEW	99-12-079
296-150F-0140	NEW	99-13-010	296-150T-0040	NEW	99-12-079	296-150T-3000	NEW-P	99-08-130
296-150F-0320	AMD-P	99-08-129	296-150T-0050	NEW-P	99-08-130	296-150T-3000	NEW	99-12-079
296-150F-0320	AMD	99-13-010	296-150T-0050	NEW	99-12-079	296-150V-0010	NEW-P	99-13-200
296-150F-0605	NEW-P	99-08-129	296-150T-0070	NEW-P	99-08-130	296-150V-0010	NEW	99-18-069
296-150F-0605	NEW	99-13-010	296-150T-0070	NEW	99-12-079	296-150V-0020	NEW-P	99-13-200
296-150F-0610	NEW-P	99-08-129	296-150T-0080	NEW-P	99-08-130	296-150V-0020	NEW	99-18-069
296-150F-0610	NEW	99-13-010	296-150T-0080	NEW	99-12-079	296-150V-0030	NEW-P	99-13-200
296-150F-0615	NEW-P	99-08-129	296-150T-0100	NEW-P	99-08-130	296-150V-0030	NEW	99-18-069
296-150F-0615	NEW	99-13-010	296-150T-0100	NEW	99-12-079	296-150V-0040	NEW-P	99-13-200

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-150V-0040	NEW	99-18-069	296-150V-0700	NEW-P	99-13-200	296-150V-1550	NEW	99-18-069
296-150V-0050	NEW-P	99-13-200	296-150V-0700	NEW	99-18-069	296-150V-1560	NEW-P	99-13-200
296-150V-0050	NEW	99-18-069	296-150V-0710	NEW-P	99-13-200	296-150V-1560	NEW	99-18-069
296-150V-0060	NEW-P	99-13-200	296-150V-0710	NEW	99-18-069	296-150V-1570	NEW-P	99-13-200
296-150V-0060	NEW	99-18-069	296-150V-0720	NEW-P	99-13-200	296-150V-1570	NEW	99-18-069
296-150V-0070	NEW-P	99-13-200	296-150V-0720	NEW	99-18-069	296-150V-1580	NEW-P	99-13-200
296-150V-0070	NEW	99-18-069	296-150V-0800	NEW-P	99-13-200	296-150V-1580	NEW	99-18-069
296-150V-0080	NEW-P	99-13-200	296-150V-0800	NEW	99-18-069	296-150V-1590	NEW-P	99-13-200
296-150V-0080	NEW	99-18-069	296-150V-0930	NEW-P	99-13-200	296-150V-1590	NEW	99-18-069
296-150V-0100	NEW-P	99-13-200	296-150V-0930	NEW	99-18-069	296-150V-3000	NEW-P	99-13-200
296-150V-0100	NEW	99-18-069	296-150V-0950	NEW-P	99-13-200	296-150V-3000	NEW	99-18-069
296-150V-0110	NEW-P	99-13-200	296-150V-0950	NEW	99-18-069	296-155	PREP	99-02-083
296-150V-0110	NEW	99-18-069	296-150V-1040	NEW-P	99-13-200	296-155	PREP	99-04-057
296-150V-0120	NEW-P	99-13-200	296-150V-1040	NEW	99-18-069	296-155	PREP	99-06-040
296-150V-0120	NEW	99-18-069	296-150V-1070	NEW-P	99-13-200	296-155	PREP	99-07-015
296-150V-0140	NEW-P	99-13-200	296-150V-1070	NEW	99-18-069	296-155	PREP	99-08-070
296-150V-0140	NEW	99-18-069	296-150V-1090	NEW-P	99-13-200	296-155	PREP	99-12-037
296-150V-0200	NEW-P	99-13-200	296-150V-1090	NEW	99-18-069	296-155-120	AMD-P	99-15-086
296-150V-0200	NEW	99-18-069	296-150V-1100	NEW-P	99-13-200	296-155-125	AMD-P	99-15-086
296-150V-0210	NEW-P	99-13-200	296-150V-1100	NEW	99-18-069	296-155-130	AMD-P	99-15-086
296-150V-0210	NEW	99-18-069	296-150V-1110	NEW-P	99-13-200	296-155-135	REP-P	99-15-086
296-150V-0220	NEW-P	99-13-200	296-150V-1110	NEW	99-18-069	296-155-17317	AMD	99-10-071
296-150V-0220	NEW	99-18-069	296-150V-1120	NEW-P	99-13-200	296-155-17335	REP	99-10-071
296-150V-0230	NEW-P	99-13-200	296-150V-1120	NEW	99-18-069	296-155-17337	AMD	99-10-071
296-150V-0230	NEW	99-18-069	296-150V-1170	NEW-P	99-13-200	296-155-17341	AMD	99-10-071
296-150V-0240	NEW-P	99-13-200	296-150V-1170	NEW	99-18-069	296-155-17349	REP	99-10-071
296-150V-0240	NEW	99-18-069	296-150V-1180	NEW-P	99-13-200	296-155-17351	REP	99-10-071
296-150V-0250	NEW-P	99-13-200	296-150V-1180	NEW	99-18-069	296-155-17353	REP	99-10-071
296-150V-0250	NEW	99-18-069	296-150V-1185	NEW-P	99-13-200	296-155-17355	REP	99-10-071
296-150V-0300	NEW-P	99-13-200	296-150V-1185	NEW	99-18-069	296-155-17357	REP	99-10-071
296-150V-0300	NEW	99-18-069	296-150V-1190	NEW-P	99-13-200	296-155-17359	REP	99-10-071
296-150V-0310	NEW-P	99-13-200	296-150V-1190	NEW	99-18-069	296-155-174	AMD	99-10-071
296-150V-0310	NEW	99-18-069	296-150V-1220	NEW-P	99-13-200	296-155-17613	AMD	99-10-071
296-150V-0320	NEW-P	99-13-200	296-150V-1220	NEW	99-18-069	296-155-17625	AMD	99-10-071
296-150V-0320	NEW	99-18-069	296-150V-1303	NEW-P	99-13-200	296-155-17635	REP	99-10-071
296-150V-0340	NEW-P	99-13-200	296-150V-1303	NEW	99-18-069	296-155-17652	AMD	99-10-071
296-150V-0340	NEW	99-18-069	296-150V-1330	NEW-P	99-13-200	296-155-17656	REP	99-10-071
296-150V-0350	NEW-P	99-13-200	296-150V-1330	NEW	99-18-069	296-155-220	AMD	99-10-071
296-150V-0350	NEW	99-18-069	296-150V-1350	NEW-P	99-13-200	296-155-270	AMD-XA	99-12-089
296-150V-0380	NEW-P	99-13-200	296-150V-1350	NEW	99-18-069	296-155-270	AMD	99-17-094
296-150V-0380	NEW	99-18-069	296-150V-1360	NEW-P	99-13-200	296-155-367	AMD	99-10-071
296-150V-0390	NEW-P	99-13-200	296-150V-1360	NEW	99-18-069	296-155-615	AMD-P	99-16-084
296-150V-0390	NEW	99-18-069	296-150V-1380	NEW-P	99-13-200	296-155-655	AMD	99-10-071
296-150V-0400	NEW-P	99-13-200	296-150V-1380	NEW	99-18-069	296-155-655	AMD-XA	99-12-089
296-150V-0400	NEW	99-18-069	296-150V-1390	NEW-P	99-13-200	296-155-655	AMD	99-17-094
296-150V-0410	NEW-P	99-13-200	296-150V-1390	NEW	99-18-069	296-155-66403	AMD-XA	99-12-089
296-150V-0410	NEW	99-18-069	296-150V-1400	NEW-P	99-13-200	296-155-66403	AMD	99-17-094
296-150V-0415	NEW-P	99-13-200	296-150V-1400	NEW	99-18-069	296-155-730	AMD	99-10-071
296-150V-0415	NEW	99-18-069	296-150V-1410	NEW-P	99-13-200	296-200A-900	AMD-P	99-08-128
296-150V-0500	NEW-P	99-13-200	296-150V-1410	NEW	99-18-069	296-200A-900	AMD	99-12-080
296-150V-0500	NEW	99-18-069	296-150V-1420	NEW-P	99-13-200	296-301	PREP	99-04-057
296-150V-0510	NEW-P	99-13-200	296-150V-1420	NEW	99-18-069	296-301	PREP	99-06-040
296-150V-0510	NEW	99-18-069	296-150V-1430	NEW-P	99-13-200	296-301-020	AMD-XA	99-12-089
296-150V-0520	NEW-P	99-13-200	296-150V-1430	NEW	99-18-069	296-301-020	AMD	99-12-091
296-150V-0520	NEW	99-18-069	296-150V-1440	NEW-P	99-13-200	296-301-020	AMD	99-17-094
296-150V-0530	NEW-P	99-13-200	296-150V-1440	NEW	99-18-069	296-301-170	AMD-XA	99-12-089
296-150V-0530	NEW	99-18-069	296-150V-1450	NEW-P	99-13-200	296-301-170	AMD	99-17-094
296-150V-0540	NEW-P	99-13-200	296-150V-1450	NEW	99-18-069	296-301-195	AMD-XA	99-12-089
296-150V-0540	NEW	99-18-069	296-150V-1460	NEW-P	99-13-200	296-301-195	AMD	99-17-094
296-150V-0550	NEW-P	99-13-200	296-150V-1460	NEW	99-18-069	296-301-215	AMD-P	99-15-086
296-150V-0550	NEW	99-18-069	296-150V-1470	NEW-P	99-13-200	296-301-220	AMD-XA	99-12-089
296-150V-0560	NEW-P	99-13-200	296-150V-1470	NEW	99-18-069	296-301-220	AMD	99-17-094
296-150V-0560	NEW	99-18-069	296-150V-1530	NEW-P	99-13-200	296-302	PREP	99-02-083
296-150V-0580	NEW-P	99-13-200	296-150V-1530	NEW	99-18-069	296-303	PREP	99-02-083
296-150V-0580	NEW	99-18-069	296-150V-1540	NEW-P	99-13-200	296-304	PREP	99-02-083
296-150V-0590	NEW-P	99-13-200	296-150V-1540	NEW	99-18-069	296-304	PREP	99-12-037
296-150V-0590	NEW	99-18-069	296-150V-1550	NEW-P	99-13-200	296-304-03005	AMD	99-10-071

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-305	PREP	99-02-083	308- 19-200	AMD-P	99-08-087	308- 56A-205	REP	99-12-031
296-305-01003	AMD	99-05-080	308- 19-210	AMD-P	99-08-087	308- 56A-215	AMD-P	99-07-016
296-305-01005	AMD	99-05-080	308- 19-220	AMD-P	99-08-087	308- 56A-215	AMD	99-12-031
296-305-01509	AMD	99-05-080	308- 19-230	AMD-P	99-08-087	308- 56A-250	AMD-P	99-04-038
296-305-02001	AMD	99-05-080	308- 19-240	AMD-P	99-08-087	308- 56A-250	AMD	99-08-065
296-305-02003	AMD	99-05-080	308- 19-250	AMD-P	99-08-087	308- 56A-255	REP-P	99-04-038
296-305-02007	AMD	99-05-080	308- 19-300	AMD-P	99-08-087	308- 56A-255	REP	99-08-065
296-305-02013	AMD	99-05-080	308- 19-400	AMD-P	99-08-087	308- 56A-265	AMD-P	99-04-038
296-305-02015	AMD	99-05-080	308- 19-410	AMD-P	99-08-087	308- 56A-265	AMD	99-08-065
296-305-02501	AMD	99-10-071	308- 19-420	AMD-P	99-08-087	308- 56A-270	AMD-P	99-04-038
296-305-04001	AMD	99-05-080	308- 19-430	NEW-P	99-08-087	308- 56A-270	AMD	99-08-065
296-305-04501	AMD	99-05-080	308- 19-440	NEW-P	99-08-087	308- 56A-275	AMD-P	99-04-038
296-305-04503	AMD	99-05-080	308- 21-010	REP-XR	99-10-026	308- 56A-275	AMD	99-08-065
296-305-05001	AMD	99-05-080	308- 21-010	REP	99-14-035	308- 56A-280	REP-P	99-04-038
296-305-05007	AMD	99-05-080	308- 21-100	REP-XR	99-10-026	308- 56A-280	REP	99-08-065
296-305-05009	AMD	99-05-080	308- 21-100	REP	99-14-035	308- 56A-285	REP-P	99-04-038
296-305-06005	AMD	99-05-080	308- 21-200	REP-XR	99-10-026	308- 56A-285	REP	99-08-065
296-305-06007	AMD	99-05-080	308- 21-200	REP	99-14-035	308- 56A-300	AMD-P	99-09-043
296-307	PREP	99-02-083	308- 21-300	REP-XR	99-10-026	308- 56A-300	AMD	99-13-150
296-307	PREP	99-12-037	308- 21-300	REP	99-14-035	308- 56A-305	AMD-P	99-09-043
296-307	PREP	99-15-107	308- 21-400	REP-XR	99-10-026	308- 56A-305	AMD	99-13-150
296-307-52005	AMD-P	99-16-084	308- 21-400	REP	99-14-035	308- 56A-310	AMD-P	99-09-043
296-307-52007	AMD-P	99-16-084	308- 21-500	REP-XR	99-10-026	308- 56A-310	AMD	99-13-150
296-307-52011	AMD-P	99-16-084	308- 21-500	REP	99-14-035	308- 56A-315	AMD-P	99-09-043
296-307-52019	AMD-P	99-16-084	308- 21-600	REP-XR	99-10-026	308- 56A-315	AMD	99-13-150
296-307-52021	AMD-P	99-16-084	308- 21-600	REP	99-14-035	308- 56A-320	AMD-P	99-09-043
296-307-52023	AMD-P	99-16-084	308- 32-015	REP-XR	99-09-056	308- 56A-320	AMD	99-13-150
296-307-52029	AMD-P	99-16-084	308- 32-015	REP	99-14-062	308- 56A-325	AMD-P	99-09-043
296-307-52030	NEW-P	99-16-084	308- 32-020	REP-XR	99-09-056	308- 56A-325	AMD	99-13-150
296-307-52031	AMD-P	99-16-084	308- 32-020	REP	99-14-062	308- 56A-330	AMD-P	99-09-043
296-307-52039	AMD-P	99-16-084	308- 32-030	REP-XR	99-09-056	308- 56A-330	AMD	99-13-150
296-307-52047	AMD-P	99-16-084	308- 32-030	REP	99-14-062	308- 56A-335	AMD	99-06-037
296-350	PREP	99-02-083	308- 32-040	REP-XR	99-09-056	308- 56A-340	REP	99-06-037
296-350	PREP	99-08-069	308- 32-040	REP	99-14-062	308- 56A-345	REP	99-06-037
296-400A-045	AMD-XA	99-03-109	308- 32-050	REP-XR	99-09-056	308- 56A-350	REP	99-06-037
296-400A-045	AMD	99-07-101	308- 32-050	REP	99-14-062	308- 56A-355	AMD	99-06-037
296-401A-100	AMD	99-05-052	308- 32-060	REP-XR	99-09-056	308- 56A-360	REP	99-06-037
296-401A-140	AMD	99-05-052	308- 32-060	REP	99-14-062	308- 56A-365	REP	99-06-037
296-401A-530	AMD	99-05-052	308- 32-070	REP-XR	99-09-056	308- 56A-420	AMD	99-02-049
296-401A-700	AMD-P	99-08-128	308- 32-070	REP	99-14-062	308- 56A-450	PREP	99-18-129
296-401A-700	AMD	99-12-080	308- 32-080	REP-XR	99-09-056	308- 56A-455	PREP	99-18-129
296-402	PREP	99-17-115	308- 32-080	REP	99-14-062	308- 56A-460	PREP	99-18-129
296-403	PREP	99-17-115	308- 32-090	REP-XR	99-09-056	308- 56A-465	PREP	99-18-129
308- 10-010	PREP	99-08-036	308- 32-090	REP	99-14-062	308- 56A-470	PREP	99-18-129
308- 10-010	AMD-P	99-12-026	308- 48-800	PREP	99-10-016	308- 56A-500	PREP	99-18-127
308- 10-010	AMD	99-17-031	308- 48-800	AMD-P	99-13-136	308- 56A-505	PREP	99-18-127
308- 10-045	AMD-XA	99-05-004	308- 48-800	AMD	99-16-040	308- 56A-510	PREP	99-18-127
308- 10-045	AMD	99-09-045	308- 56A-056	NEW-P	99-17-030	308- 56A-520	PREP	99-18-127
308- 12-320	AMD-P	99-05-050	308- 56A-060	AMD-P	99-04-037	308- 57	PREP	99-07-080
308- 12-320	AMD	99-08-062	308- 56A-060	AMD	99-08-064	308- 57-005	PREP	99-18-126
308- 12-326	AMD-P	99-05-050	308- 56A-065	AMD-P	99-04-037	308- 57-010	PREP	99-18-126
308- 12-326	AMD	99-08-062	308- 56A-065	AMD	99-08-064	308- 57-020	PREP	99-18-126
308- 13-045	PREP	99-14-083	308- 56A-070	AMD-P	99-04-037	308- 57-030	PREP	99-18-126
308- 13-045	AMD-P	99-18-103	308- 56A-070	AMD	99-08-064	308- 57-110	PREP	99-18-126
308- 13-150	PREP	99-14-083	308- 56A-075	AMD-P	99-04-037	308- 57-120	PREP	99-18-126
308- 13-150	AMD-P	99-18-103	308- 56A-075	AMD	99-08-064	308- 57-130	PREP	99-18-126
308- 13-160	PREP	99-14-083	308- 56A-140	AMD-P	99-07-016	308- 57-135	PREP	99-18-126
308- 13-160	AMD-P	99-18-103	308- 56A-140	AMD	99-12-031	308- 57-140	PREP	99-18-126
308- 19-010	AMD-P	99-08-087	308- 56A-145	REP-P	99-07-016	308- 57-210	PREP	99-18-126
308- 19-020	AMD-P	99-08-087	308- 56A-145	REP	99-12-031	308- 57-230	PREP	99-18-126
308- 19-030	AMD-P	99-08-087	308- 56A-150	PREP	99-13-006	308- 57-240	PREP	99-18-126
308- 19-100	AMD-P	99-08-087	308- 56A-150	AMD-P	99-17-030	308- 57-500	NEW-P	99-09-044
308- 19-105	NEW-P	99-08-087	308- 56A-160	AMD-P	99-07-016	308- 57-500	NEW	99-13-151
308- 19-110	AMD-P	99-08-087	308- 56A-160	AMD	99-12-031	308- 58-010	PREP	99-10-054
308- 19-140	AMD-P	99-08-087	308- 56A-200	AMD-P	99-07-016	308- 58-020	PREP	99-10-054
308- 19-150	AMD-P	99-08-087	308- 56A-200	AMD	99-12-031	308- 58-030	PREP	99-10-054
308- 19-160	AMD-P	99-08-087	308- 56A-205	REP-P	99-07-016	308- 58-040	PREP	99-10-054

TABLE



**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-58-050	PREP	99-10-054	308-93-280	AMD	99-03-002	308-96A-097	PREP	99-03-003
308-61	PREP	99-16-051	308-93-320	PREP	99-10-057	308-96A-097	REP-P	99-12-111
308-66-190	AMD	99-02-049	308-93-320	REP-P	99-17-070	308-96A-097	REP	99-16-020
308-66-190	AMD-W	99-05-059	308-93-340	REP-P	99-15-097	308-96A-098	NEW-P	99-13-081
308-78	PREP	99-08-127	308-93-340	REP-W	99-17-108	308-96A-099	NEW	99-06-029
308-78-020	PREP	99-08-127	308-93-340	PREP	99-18-009	308-96A-100	REP	99-06-029
308-78-020	AMD-P	99-15-096	308-93-370	AMD-P	99-18-125	308-96A-101	NEW	99-06-029
308-78-030	PREP	99-08-127	308-93-380	AMD-P	99-18-125	308-96A-105	REP	99-06-029
308-78-030	AMD-P	99-15-096	308-93-390	AMD-P	99-18-125	308-96A-106	REP	99-06-029
308-78-040	PREP	99-08-127	308-93-400	AMD-P	99-18-125	308-96A-110	AMD	99-06-029
308-78-040	AMD-P	99-15-096	308-93-410	REP	99-03-002	308-96A-120	REP	99-06-029
308-78-045	PREP	99-08-127	308-93-490	AMD-P	99-18-125	308-96A-135	AMD	99-06-029
308-78-045	AMD-P	99-15-096	308-93-500	AMD-P	99-18-125	308-96A-136	AMD	99-06-029
308-78-050	PREP	99-08-127	308-93-510	AMD-P	99-18-125	308-96A-145	AMD	99-06-029
308-78-050	AMD-P	99-15-096	308-93-520	AMD	99-07-041	308-96A-161	AMD-P	99-13-081
308-78-060	PREP	99-08-127	308-93-530	AMD	99-07-041	308-96A-162	REP-P	99-13-081
308-78-060	AMD-P	99-15-096	308-93-540	AMD	99-07-041	308-96A-275	AMD-P	99-13-081
308-78-070	PREP	99-08-127	308-93-550	REP	99-07-041	308-96A-306	PREP	99-11-016
308-78-070	AMD-P	99-15-096	308-93-560	REP	99-07-041	308-96A-306	AMD-E	99-16-019
308-78-080	PREP	99-08-127	308-93-570	REP	99-07-041	308-96A-306	AMD-P	99-17-109
308-78-080	AMD-P	99-15-096	308-93-580	REP	99-07-041	308-96A-311	PREP	99-11-016
308-78-090	PREP	99-08-127	308-93-590	REP	99-07-041	308-96A-311	AMD-E	99-16-019
308-78-090	AMD-P	99-15-096	308-93-600	REP	99-07-041	308-96A-311	AMD-P	99-17-109
308-87	PREP	99-12-018	308-93-620	REP	99-03-002	308-96A-312	PREP	99-11-016
308-88-010	PREP	99-18-131	308-93-700	PREP	99-18-130	308-96A-312	AMD-E	99-16-019
308-88-020	PREP	99-18-131	308-93-710	PREP	99-18-130	308-96A-312	AMD-P	99-17-109
308-88-030	PREP	99-18-131	308-93-720	PREP	99-18-130	308-96A-313	PREP	99-11-016
308-88-040	PREP	99-18-131	308-93-730	PREP	99-18-130	308-96A-313	AMD-E	99-16-019
308-88-050	PREP	99-18-131	308-93-740	PREP	99-18-130	308-96A-313	AMD-P	99-17-109
308-88-170	PREP	99-18-131	308-93-750	PREP	99-18-130	308-96A-314	PREP	99-11-016
308-91-010	PREP	99-13-139	308-93-760	PREP	99-18-130	308-96A-314	AMD-E	99-16-019
308-91-030	PREP	99-13-139	308-94-170	PREP	99-13-149	308-96A-314	AMD-P	99-17-109
308-91-040	PREP	99-13-139	308-94-181	PREP	99-13-149	308-96A-316	PREP	99-11-016
308-91-050	PREP	99-13-139	308-94-191	PREP	99-13-149	308-96A-316	AMD-E	99-16-019
308-91-060	PREP	99-13-139	308-94-200	PREP	99-13-149	308-96A-316	AMD-P	99-17-109
308-91-080	PREP	99-13-139	308-94-210	PREP	99-13-149	308-96A-345	PREP	99-18-128
308-91-090	PREP	99-13-139	308-94-220	PREP	99-13-149	308-96A-350	PREP	99-18-128
308-91-095	PREP	99-13-139	308-94-240	PREP	99-13-149	308-96A-355	PREP	99-18-128
308-91-120	PREP	99-13-139	308-94-250	PREP	99-13-149	308-96A-360	PREP	99-18-128
308-91-130	PREP	99-13-139	308-94-261	PREP	99-13-149	308-96A-370	PREP	99-18-128
308-91-140	PREP	99-13-139	308-94-265	PREP	99-13-149	308-96A-375	PREP	99-18-128
308-91-150	PREP	99-13-139	308-94-270	PREP	99-13-149	308-96A-380	PREP	99-18-128
308-91-170	PREP	99-13-139	308-96A	PREP	99-07-040	308-96A-400	AMD-P	99-13-081
308-93-030	AMD-P	99-17-070	308-96A	PREP-W	99-07-079	308-96A-410	AMD-P	99-13-081
308-93-040	REP-P	99-17-070	308-96A-046	PREP	99-10-056	308-96A-505	PREP	99-10-056
308-93-079	AMD-P	99-15-097	308-96A-050	PREP	99-10-056	308-96A-510	PREP	99-10-056
308-93-079	AMD-W	99-17-108	308-96A-056	PREP	99-10-056	308-96A-520	PREP	99-10-056
308-93-079	PREP	99-18-009	308-96A-057	PREP	99-10-056	308-96A-530	PREP	99-10-056
308-93-090	AMD-P	99-15-097	308-96A-061	PREP	99-10-058	308-96A-540	PREP	99-10-056
308-93-090	AMD-W	99-17-108	308-96A-061	REP-P	99-18-020	308-97-011	NEW-E	99-16-018
308-93-090	PREP	99-18-009	308-96A-062	PREP	99-10-058	308-97-011	PREP	99-18-010
308-93-100	REP-P	99-15-097	308-96A-062	AMD-P	99-18-020	308-97-011	NEW-XA	99-18-061
308-93-100	REP-W	99-17-108	308-96A-063	PREP	99-10-058	308-99-010	PREP	99-10-055
308-93-100	PREP	99-18-009	308-96A-063	REP-P	99-18-020	308-99-020	PREP	99-10-055
308-93-135	PREP	99-10-057	308-96A-064	PREP	99-10-058	308-99-021	PREP	99-10-055
308-93-135	REP-P	99-17-070	308-96A-064	AMD-P	99-18-020	308-99-025	PREP	99-10-055
308-93-140	PREP	99-10-057	308-96A-080	PREP	99-03-003	308-99-030	PREP	99-10-055
308-93-140	AMD-P	99-17-070	308-96A-080	AMD-P	99-12-111	308-99-040	PREP	99-10-055
308-93-145	PREP	99-10-057	308-96A-080	AMD	99-16-020	308-99-050	PREP	99-10-055
308-93-145	AMD-P	99-17-070	308-96A-085	PREP	99-03-003	308-104-109	NEW-P	99-02-052
308-93-155	PREP	99-10-057	308-96A-085	AMD-P	99-12-111	308-104-109	NEW	99-05-032
308-93-155	REP-P	99-17-070	308-96A-085	AMD	99-16-020	308-124	AMD	99-03-042
308-93-160	AMD-P	99-15-097	308-96A-090	PREP	99-03-003	308-124-001	REP	99-03-042
308-93-160	AMD-W	99-17-108	308-96A-090	AMD-P	99-12-111	308-124-005	REP	99-03-042
308-93-160	PREP	99-18-009	308-96A-090	AMD	99-16-020	308-124-007	AMD	99-03-042
308-93-250	AMD	99-03-002	308-96A-095	AMD-P	99-12-111	308-124-021	AMD	99-03-042
308-93-270	AMD	99-03-002	308-96A-095	AMD	99-16-020	308-124-021	PREP	99-18-101

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-124A-200	AMD	99-03-042	314-12-210	NEW	99-13-042	315-11A-173	REP	99-16-007
308-124A-460	AMD	99-03-042	314-12-215	NEW-S	99-06-097	315-11A-174	REP-XR	99-10-031
308-124B-140	AMD	99-03-042	314-12-215	NEW	99-13-042	315-11A-174	REP	99-16-007
308-124B-145	NEW	99-03-042	314-12-220	NEW-S	99-06-097	315-11A-175	REP-XR	99-10-031
308-124B-150	AMD	99-03-042	314-12-220	NEW	99-13-042	315-11A-175	REP	99-16-007
308-124C-010	AMD	99-03-042	314-12-225	NEW-S	99-06-097	315-11A-176	REP-XR	99-10-031
308-124D-061	AMD	99-03-042	314-12-225	NEW	99-13-042	315-11A-176	REP	99-16-007
308-124D-070	NEW	99-03-042	314-12-300	NEW	99-03-032	315-11A-177	REP-XR	99-10-031
308-124D-080	NEW	99-03-042	314-12-310	NEW	99-03-032	315-11A-177	REP	99-16-007
308-124E-013	PREP	99-18-101	314-12-320	NEW	99-03-032	315-11A-178	REP-XR	99-10-031
308-124F-010	REP	99-03-042	314-12-330	NEW	99-03-032	315-11A-178	REP	99-16-007
308-124F-020	REP	99-03-042	314-12-340	NEW	99-03-032	315-11A-179	REP-XR	99-10-031
308-124F-030	REP	99-03-042	314-14-160	AMD	99-03-033	315-11A-179	REP	99-16-007
308-124H-011	PREP	99-18-101	314-14-165	NEW	99-03-033	315-11A-180	REP-XR	99-10-031
308-124H-021	PREP	99-18-101	314-14-170	NEW	99-03-033	315-11A-180	REP	99-16-007
308-124H-025	PREP	99-18-101	314-15	PREP	99-09-039	315-11A-181	REP-XR	99-10-031
308-124H-028	PREP	99-18-101	314-15	PREP	99-12-127	315-11A-181	REP	99-16-007
308-124H-051	PREP	99-18-101	314-16	PREP	99-09-039	315-11A-182	REP-XR	99-10-031
308-124H-061	PREP	99-18-101	314-16	PREP	99-12-128	315-11A-182	REP	99-16-007
308-124H-062	PREP	99-18-101	314-16-160	PREP	99-04-002	315-11A-184	REP-XR	99-10-031
308-124H-220	PREP	99-18-101	314-16-180	PREP	99-04-113	315-11A-184	REP	99-16-007
308-124H-230	PREP	99-18-101	314-16-260	NEW-S	99-07-085	315-11A-185	REP-XR	99-10-031
308-124H-240	PREP	99-18-101	314-16-260	NEW-S	99-16-118	315-11A-185	REP	99-16-007
308-124H-260	PREP	99-18-101	314-16-265	NEW-S	99-07-085	315-11A-186	REP-XR	99-10-031
308-124H-270	PREP	99-18-101	314-16-265	NEW-S	99-16-118	315-11A-186	REP	99-16-007
308-124H-320	PREP	99-18-101	314-16-270	NEW-S	99-07-085	315-33A-060	AMD-P	99-04-012
308-124H-520	PREP	99-18-101	314-16-270	NEW-S	99-16-118	315-33A-060	AMD-W	99-05-036
308-124H-580	PREP	99-18-101	314-16-275	NEW-S	99-07-085	315-33A-060	AMD-P	99-10-052
308-124H-800	PREP	99-18-101	314-16-275	NEW-S	99-16-118	315-33A-060	AMD	99-16-008
308-125-090	AMD-P	99-08-028	314-20	PREP	99-04-112	315-34-055	PREP	99-10-051
308-125-090	AMD	99-11-039	314-20	PREP	99-12-125	315-34-055	REP-P	99-13-148
308-125-120	AMD	99-04-075	314-24	PREP	99-12-125	315-34-057	NEW-P	99-13-148
308-125-200	AMD	99-04-074	314-37-030	NEW	99-04-114	315-34-060	AMD-P	99-04-012
308-129	PREP	99-12-102	314-52	PREP	99-17-097	315-34-060	AMD-W	99-05-036
308-330-300	AMD	99-04-070	314-60-040	AMD-XA	99-12-084	317-100-010	REP	99-07-076
308-330-307	AMD	99-04-070	314-60-040	AMD	99-16-119	317-100-020	REP	99-07-076
308-330-425	AMD	99-04-070	314-68-010	AMD-P	99-05-014	317-100-030	REP	99-07-076
308-400-030	AMD	99-06-003	314-68-010	AMD	99-10-066	317-100-040	REP	99-07-076
308-400-030	PREP	99-17-027	314-68-020	AMD-P	99-05-014	317-100-050	REP	99-07-076
308-400-050	REP	99-06-003	314-68-020	AMD	99-10-066	317-100-060	REP	99-07-076
308-400-053	AMD	99-06-003	314-68-030	AMD-P	99-05-014	317-100-070	REP	99-07-076
308-400-054	REP	99-06-003	314-68-030	AMD	99-10-066	317-100-080	REP	99-07-076
308-400-058	AMD	99-06-003	314-68-040	AMD-P	99-05-014	317-100-090	REP	99-07-076
308-400-059	AMD	99-06-003	314-68-040	AMD	99-10-066	326-02-034	PREP	99-05-083
308-400-062	AMD	99-06-003	314-68-050	AMD-P	99-05-014	326-30-041	PREP	99-05-082
308-400-070	REP	99-06-003	314-68-050	AMD	99-10-066	332-24-221	AMD-P	99-08-117
308-400-095	AMD	99-06-003	315-04	PREP	99-04-076	332-24-221	AMD	99-12-085
308-400-095	PREP	99-17-027	315-04-190	PREP	99-04-003	332-26-010	NEW-E	99-15-001
308-400-120	AMD	99-06-003	315-06-040	PREP	99-16-006	332-30-170	NEW	99-07-034
308-410-050	REP	99-06-003	315-06-075	NEW	99-04-077	332-52-065	PREP	99-08-116
308-410-070	AMD	99-06-003	315-06-085	NEW	99-04-077	332-52-065	AMD-P	99-12-092
314-04-005	AMD-P	99-08-014	315-06-120	AMD-P	99-13-148	352-12	AMD	99-04-117
314-04-005	AMD	99-12-129	315-11A-166	REP-XR	99-10-031	352-12-005	AMD	99-04-117
314-04-006	NEW-P	99-08-014	315-11A-166	REP	99-16-007	352-12-010	AMD	99-04-117
314-04-006	NEW	99-12-129	315-11A-167	REP-XR	99-10-031	352-12-020	AMD	99-04-117
314-04-007	NEW-P	99-08-014	315-11A-167	REP	99-16-007	352-12-030	AMD	99-04-117
314-04-007	NEW	99-12-129	315-11A-168	REP-XR	99-10-031	352-12-040	AMD	99-04-117
314-04-010	REP-XR	99-09-038	315-11A-168	REP	99-16-007	352-12-050	AMD	99-04-117
314-04-010	REP	99-15-023	315-11A-169	REP-XR	99-10-031	352-32	PREP	99-06-042
314-08-080	PREP	99-12-126	315-11A-169	REP	99-16-007	352-32	PREP	99-16-033
314-08-080	AMD-P	99-17-098	315-11A-170	REP-XR	99-10-031	352-32-070	PREP	99-06-042
314-10-040	AMD	99-03-031	315-11A-170	REP	99-16-007	352-32-070	AMD-P	99-10-065
314-12	PREP	99-09-039	315-11A-171	REP-XR	99-10-031	352-32-070	AMD	99-15-030
314-12	PREP	99-12-128	315-11A-171	REP	99-16-007	352-32-075	PREP	99-06-042
314-12	PREP	99-18-133	315-11A-172	REP-XR	99-10-031	352-32-075	AMD-P	99-10-065
314-12-170	AMD	99-03-032	315-11A-172	REP	99-16-007	352-32-075	AMD	99-15-030
314-12-210	NEW-S	99-06-097	315-11A-173	REP-XR	99-10-031	352-32-25001	AMD-P	99-04-118

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
352-32-25001	AMD	99-08-031	365-18-050	NEW-S	99-04-072	383-06-090	AMD-E	99-18-034
352-32-25002	REP-P	99-04-118	365-18-050	NEW-W	99-17-084	383-06-091	NEW-E	99-18-034
352-32-25002	REP	99-08-031	365-18-050	NEW-S	99-18-105	383-06-100	AMD-E	99-16-012
352-32-251	PREP	99-16-082	365-18-060	NEW-S	99-04-072	383-06-100	AMD-E	99-18-034
352-37-020	AMD-W	99-08-084	365-18-060	NEW-W	99-17-084	383-06-110	REP-E	99-18-034
352-37-190	AMD-W	99-08-084	365-18-060	NEW-S	99-18-105	383-06-120	AMD-E	99-16-012
356-05-012	NEW-P	99-02-053	365-18-070	NEW-S	99-04-072	383-06-120	AMD-E	99-18-034
356-05-012	NEW	99-05-043	365-18-070	NEW-W	99-17-084	383-06-121	NEW-E	99-18-034
356-05-013	AMD-P	99-02-053	365-18-070	NEW-S	99-18-105	383-06-125	NEW-E	99-18-034
356-05-013	AMD	99-05-043	365-18-080	NEW-S	99-04-072	383-06-130	AMD-E	99-18-034
356-05-207	AMD-P	99-02-053	365-18-080	NEW-W	99-17-084	383-06-140	AMD-E	99-18-034
356-05-207	AMD	99-05-043	365-18-080	NEW-S	99-18-105	383-06-141	NEW-E	99-18-034
356-05-327	REP-P	99-02-053	365-18-090	NEW-S	99-04-072	383-07	PREP	99-17-113
356-05-327	REP	99-05-043	365-18-090	NEW-W	99-17-084	383-07-020	AMD-E	99-16-013
356-05-447	AMD-P	99-02-053	365-18-090	NEW-S	99-18-105	383-07-020	AMD-E	99-18-035
356-05-447	AMD	99-05-043	365-18-100	NEW-S	99-04-072	383-07-030	AMD-E	99-16-013
356-09-010	AMD-P	99-02-053	365-18-100	NEW-W	99-17-084	383-07-030	AMD-E	99-18-035
356-09-010	AMD	99-05-043	365-18-100	NEW-S	99-18-105	383-07-040	AMD-E	99-16-013
356-09-030	AMD-P	99-02-053	365-18-110	NEW-S	99-04-072	383-07-040	AMD-E	99-18-035
356-09-030	AMD	99-05-043	365-18-110	NEW-W	99-17-084	383-07-045	AMD-E	99-18-035
356-09-040	AMD-P	99-02-053	365-18-110	NEW-S	99-18-105	383-07-050	AMD-E	99-16-013
356-09-040	AMD	99-05-043	365-18-120	NEW-S	99-04-072	383-07-050	AMD-E	99-18-035
356-09-040	AMD-P	99-13-104	365-18-120	NEW-W	99-17-084	383-07-060	AMD-E	99-18-035
356-09-050	AMD-P	99-02-053	365-18-120	NEW-S	99-18-105	383-07-070	AMD-E	99-16-013
356-09-050	AMD	99-05-043	365-120-070	NEW-E	99-16-025	383-07-070	AMD-E	99-18-035
356-14-300	NEW-P	99-16-102	365-130	PREP	99-08-059	383-07-080	AMD-E	99-16-013
356-15-100	AMD-P	99-16-103	365-135	PREP	99-15-010	383-07-080	AMD-E	99-18-035
356-15-110	AMD-P	99-16-103	365-140	PREP	99-06-025	383-07-085	NEW-E	99-18-035
356-22-010	AMD-P	99-02-053	365-140-010	AMD-P	99-10-114	383-07-090	AMD-E	99-16-013
356-22-010	AMD	99-05-043	365-140-010	AMD	99-15-062	383-07-090	AMD-E	99-18-035
356-22-040	AMD-P	99-02-053	365-140-030	AMD-P	99-10-114	383-07-100	AMD-E	99-16-013
356-22-040	AMD	99-05-043	365-140-030	AMD	99-15-062	383-07-100	AMD-E	99-18-035
356-22-090	AMD-P	99-02-053	365-140-040	AMD-P	99-10-114	383-07-115	AMD-E	99-18-035
356-22-090	AMD	99-05-043	365-140-040	AMD	99-15-062	383-07-120	AMD-E	99-16-013
356-22-180	AMD-P	99-02-053	365-140-050	AMD-P	99-10-114	383-07-120	AMD-E	99-18-035
356-22-180	AMD	99-05-043	365-140-050	AMD	99-15-062	383-07-125	NEW-E	99-18-035
356-22-180	AMD-P	99-13-104	365-140-060	AMD-P	99-10-114	383-07-130	AMD-E	99-16-013
356-26-010	AMD-P	99-02-053	365-140-060	AMD	99-15-062	383-07-130	AMD-E	99-18-035
356-26-010	AMD	99-05-043	365-170	PREP	99-10-067	388-01-010	NEW-P	99-11-085
356-26-060	AMD-P	99-02-053	365-170-020	AMD-P	99-15-106	388-01-010	NEW	99-15-065
356-26-060	AMD	99-05-043	365-170-030	AMD-XA	99-15-029	388-01-020	NEW-P	99-11-085
356-26-070	AMD-P	99-02-053	365-170-030	AMD-P	99-15-106	388-01-020	NEW	99-15-065
356-26-070	AMD	99-05-043	365-170-050	AMD-P	99-15-106	388-01-030	NEW-P	99-11-085
356-26-110	AMD	99-03-044	365-170-070	AMD-P	99-15-106	388-01-030	NEW	99-15-065
356-30-010	AMD-P	99-02-053	365-170-080	AMD-P	99-15-106	388-01-040	NEW-P	99-11-085
356-30-010	AMD	99-05-043	365-170-090	AMD-P	99-15-106	388-01-040	NEW	99-15-065
359-07	AMD-P	99-16-104	365-170-095	NEW-P	99-15-106	388-01-050	NEW-P	99-11-085
359-09	AMD-P	99-16-104	365-170-100	AMD-P	99-15-106	388-01-050	NEW	99-15-065
359-39	AMD-P	99-16-104	381-50-180	AMD	99-07-081	388-01-060	NEW-P	99-11-085
359-48	AMD-P	99-16-104	383-06	PREP	99-17-112	388-01-060	NEW	99-15-065
363-116-082	AMD	99-08-003	383-06-010	AMD-E	99-16-012	388-01-070	NEW-P	99-11-085
363-116-185	AMD-P	99-12-028	383-06-010	AMD-E	99-18-034	388-01-070	NEW	99-15-065
363-116-185	AMD	99-16-027	383-06-020	AMD-E	99-16-012	388-01-080	NEW-P	99-11-085
363-116-300	AMD-P	99-08-075	383-06-020	AMD-E	99-18-034	388-01-080	NEW	99-15-065
363-116-300	AMD	99-12-027	383-06-030	AMD-E	99-18-034	388-01-090	NEW-P	99-11-085
365-18-010	NEW-S	99-04-072	383-06-031	NEW-E	99-18-034	388-01-090	NEW	99-15-065
365-18-010	NEW-W	99-17-084	383-06-040	AMD-E	99-16-012	388-01-100	NEW-P	99-11-085
365-18-010	NEW-S	99-18-105	383-06-040	AMD-E	99-18-034	388-01-100	NEW	99-15-065
365-18-020	NEW-S	99-04-072	383-06-045	AMD-E	99-18-034	388-01-110	NEW-P	99-11-085
365-18-020	NEW-W	99-17-084	383-06-046	NEW-E	99-18-034	388-01-110	NEW	99-15-065
365-18-020	NEW-S	99-18-105	383-06-050	REP-E	99-18-034	388-01-120	NEW-P	99-11-085
365-18-030	NEW-S	99-04-072	383-06-060	REP-E	99-18-034	388-01-120	NEW	99-15-065
365-18-030	NEW-W	99-17-084	383-06-070	AMD-E	99-16-012	388-01-130	NEW-P	99-11-085
365-18-030	NEW-S	99-18-105	383-06-070	AMD-E	99-18-034	388-01-130	NEW	99-15-065
365-18-040	NEW-S	99-04-072	383-06-071	NEW-E	99-18-034	388-01-140	NEW-P	99-11-085
365-18-040	NEW-W	99-17-084	383-06-080	AMD-E	99-18-034	388-01-140	NEW	99-15-065
365-18-040	NEW-S	99-18-105	383-06-090	AMD-E	99-16-012	388-01-150	NEW-P	99-11-085

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-01-150	NEW	99-15-065	388-15-19600	PREP	99-18-042	388-78A-265	AMD	99-15-067
388-01-160	NEW-P	99-11-085	388-15-19610	AMD	99-03-041	388-78A-320	AMD-XA	99-09-052
388-01-160	NEW	99-15-065	388-15-19610	PREP	99-18-042	388-78A-320	AMD	99-15-067
388-01-170	NEW-P	99-11-085	388-15-19620	AMD	99-03-041	388-78A-330	AMD-XA	99-09-052
388-01-170	NEW	99-15-065	388-15-19620	PREP	99-18-042	388-78A-330	AMD	99-15-067
388-01-180	NEW-P	99-11-085	388-15-19630	AMD	99-03-041	388-78A-335	PREP	99-18-015
388-01-180	NEW	99-15-065	388-15-19630	PREP	99-18-042	388-86-0022	PREP	99-05-044
388-01-190	NEW-P	99-11-085	388-15-19640	AMD	99-03-041	388-86-018	PREP	99-13-190
388-01-190	NEW	99-15-065	388-15-19640	PREP	99-18-042	388-86-045	REP-P	99-11-053
388-01-200	NEW	99-15-065	388-15-19650	AMD	99-03-041	388-86-045	REP	99-16-069
388-01-210	NEW-P	99-11-085	388-15-19650	PREP	99-18-042	388-86-047	REP-P	99-05-073
388-01-220	NEW-P	99-11-085	388-15-19660	AMD	99-03-041	388-86-047	REP	99-09-007
388-04-010	RECOD	99-15-021	388-15-19660	PREP	99-18-042	388-86-059	PREP	99-06-043
388-04-020	RECOD	99-15-021	388-15-19670	AMD	99-03-041	388-86-073	PREP	99-03-075
388-04-030	RECOD	99-15-021	388-15-19670	PREP	99-18-042	388-86-073	REP-P	99-11-071
388-04-040	RECOD	99-15-021	388-15-19680	AMD	99-03-041	388-86-073	REP	99-16-068
388-04-050	RECOD	99-15-021	388-15-19680	PREP	99-18-042	388-86-090	PREP	99-11-084
388-04-060	RECOD	99-15-021	388-15-198	PREP	99-18-042	388-86-097	REP-P	99-08-122
388-04-070	RECOD	99-15-021	388-15-202	PREP	99-09-051	388-86-097	REP	99-13-049
388-08-410	AMD-XA	99-11-086	388-15-203	PREP	99-09-051	388-86-098	REP-P	99-11-074
388-08-410	AMD	99-16-023	388-15-205	PREP	99-09-051	388-86-098	REP	99-16-071
388-08-413	AMD-XA	99-11-086	388-15-220	PREP	99-17-054	388-86-100	AMD-W	99-08-080
388-08-413	AMD	99-16-023	388-15-570	PREP	99-17-054	388-86-100	PREP	99-13-191
388-08-437	AMD-XA	99-11-086	388-15-610	PREP	99-11-083	388-86-112	REP-P	99-14-038
388-08-437	AMD	99-16-023	388-15-650	NEW	99-12-072	388-86-112	REP	99-17-111
388-08-440	AMD-XA	99-11-086	388-15-651	NEW	99-12-072	388-86-200	PREP	99-06-043
388-08-440	AMD	99-16-023	388-15-652	NEW	99-12-072	388-86-200	AMD-W	99-08-080
388-08-464	AMD-XA	99-11-086	388-15-653	NEW	99-12-072	388-87-0005	PREP	99-05-044
388-08-464	AMD	99-16-023	388-15-654	NEW	99-12-072	388-87-0007	PREP	99-05-044
388-08-470	AMD-XA	99-11-086	388-15-655	NEW	99-12-072	388-87-0008	PREP	99-05-044
388-08-470	AMD	99-16-023	388-15-656	NEW	99-12-072	388-87-0010	PREP	99-05-044
388-08-515	AMD-XA	99-11-086	388-15-657	NEW	99-12-072	388-87-0011	PREP	99-05-044
388-08-515	AMD	99-16-023	388-15-658	NEW	99-12-072	388-87-0020	PREP	99-05-044
388-08-555	AMD-XA	99-11-086	388-15-659	NEW	99-12-072	388-87-0025	PREP	99-05-044
388-08-555	AMD	99-16-023	388-15-660	NEW	99-12-072	388-87-0105	PREP	99-05-044
388-08-575	AMD-XA	99-11-086	388-15-661	NEW	99-12-072	388-87-0250	PREP	99-05-044
388-08-575	AMD	99-16-023	388-15-662	NEW	99-12-072	388-87-048	PREP	99-13-190
388-10-010	DECOD	99-15-021	388-17	PREP	99-15-066	388-87-065	REP-P	99-11-053
388-10-020	DECOD	99-15-021	388-24	PREP	99-17-053	388-87-065	REP	99-16-069
388-10-030	DECOD	99-15-021	388-24-2430	PREP	99-17-053	388-87-079	PREP	99-06-043
388-10-040	DECOD	99-15-021	388-60	PREP	99-17-057	388-87-080	REP-P	99-08-122
388-10-050	DECOD	99-15-021	388-71	PREP	99-18-042	388-87-080	REP	99-13-049
388-10-060	DECOD	99-15-021	388-71-0800	NEW-P	99-14-066	388-87-090	PREP	99-11-084
388-10-070	DECOD	99-15-021	388-71-0805	NEW-P	99-14-066	388-87-110	REP-W	99-11-060
388-14-420	PREP	99-09-003	388-71-0810	NEW-P	99-14-066	388-96-010	AMD-E	99-14-029
388-14-420	AMD-E	99-09-004	388-71-0815	NEW-P	99-14-066	388-96-218	AMD-E	99-14-029
388-14-420	AMD-P	99-17-010	388-71-0820	NEW-P	99-14-066	388-96-559	AMD-E	99-14-029
388-14-420	AMD-E	99-17-012	388-71-0825	NEW-P	99-14-066	388-96-565	AMD-E	99-14-029
388-14-421	NEW-P	99-17-010	388-71-0830	NEW-P	99-14-066	388-96-709	AMD-E	99-14-029
388-14-422	NEW-P	99-17-010	388-71-0835	NEW-P	99-14-066	388-96-710	AMD-E	99-14-029
388-14-423	NEW-P	99-17-010	388-71-0840	NEW-P	99-14-066	388-96-714	NEW-E	99-14-029
388-14-424	NEW-P	99-17-010	388-71-0845	NEW-P	99-14-066	388-96-723	AMD-E	99-14-029
388-14-490	AMD-P	99-17-052	388-74-010	PREP	99-17-056	388-96-724	AMD-E	99-14-029
388-15	PREP	99-15-066	388-74-030	PREP	99-17-056	388-96-725	AMD-E	99-14-029
388-15-130	PREP	99-17-054	388-78A-020	AMD-XA	99-09-052	388-96-726	AMD-E	99-14-029
388-15-132	PREP	99-17-054	388-78A-020	AMD	99-15-067	388-96-730	NEW-E	99-14-029
388-15-134	PREP	99-17-054	388-78A-040	AMD-XA	99-09-052	388-96-731	NEW-E	99-14-029
388-15-150	PREP	99-17-054	388-78A-040	AMD	99-15-067	388-96-748	NEW-E	99-14-029
388-15-160	PREP	99-17-054	388-78A-050	AMD-XA	99-09-052	388-96-767	AMD-E	99-14-029
388-15-170	DECOD	99-15-076	388-78A-050	AMD	99-15-067	388-96-771	AMD-E	99-14-029
388-15-171	DECOD	99-15-076	388-78A-055	AMD-XA	99-09-052	388-96-776	AMD-E	99-14-029
388-15-175	DECOD	99-15-076	388-78A-055	AMD	99-15-067	388-165-108	NEW-P	99-18-071
388-15-176	DECOD	99-15-076	388-78A-150	AMD-XA	99-09-052	388-165-110	RECOD	99-15-076
388-15-177	PREP	99-05-070	388-78A-150	AMD	99-15-067	388-165-120	RECOD	99-15-076
388-15-196	AMD	99-03-041	388-78A-240	AMD-XA	99-09-052	388-165-140	RECOD	99-15-076
388-15-196	PREP	99-18-042	388-78A-240	AMD	99-15-067	388-165-179	NEW-P	99-18-071
388-15-19600	AMD	99-03-041	388-78A-265	AMD-XA	99-09-052	388-165-180	NEW-P	99-18-071

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-165-185	NEW-P	99-18-071	388-290-350	NEW	99-14-023	388-310-0800	AMD	99-14-043
388-165-190	NEW-P	99-18-071	388-290-375	NEW-P	99-08-121	388-310-0900	AMD-P	99-05-071
388-165-195	NEW-P	99-18-071	388-290-375	NEW	99-14-023	388-310-0900	AMD	99-10-027
388-165-200	NEW-P	99-18-071	388-290-400	NEW-P	99-08-121	388-310-1000	AMD-P	99-05-071
388-165-205	NEW-P	99-18-071	388-290-400	NEW	99-14-023	388-310-1000	AMD	99-10-027
388-165-210	NEW-P	99-18-071	388-290-400	PREP	99-17-024	388-310-1050	AMD-P	99-05-071
388-165-215	NEW-P	99-18-071	388-290-450	NEW-P	99-08-121	388-310-1050	AMD	99-10-027
388-165-220	NEW-P	99-18-071	388-290-450	NEW	99-14-023	388-310-1100	AMD-P	99-05-071
388-165-225	NEW-P	99-18-071	388-290-475	NEW-P	99-08-121	388-310-1100	AMD	99-10-027
388-165-230	NEW-P	99-18-071	388-290-475	NEW	99-14-023	388-310-1200	AMD-P	99-05-071
388-165-235	RECOD	99-15-076	388-290-500	NEW-P	99-08-121	388-310-1200	AMD	99-10-027
388-165-240	NEW-P	99-18-071	388-290-500	NEW	99-14-023	388-310-1300	AMD-P	99-05-072
388-165-245	NEW-P	99-18-071	388-290-525	NEW-P	99-08-121	388-310-1300	AMD	99-08-051
388-165-250	NEW-P	99-18-071	388-290-525	NEW	99-14-023	388-310-1400	AMD-P	99-05-071
388-200-1160	PREP	99-08-040	388-290-525	PREP	99-17-024	388-310-1400	AMD	99-10-027
388-290	PREP	99-17-024	388-290-550	NEW-P	99-08-121	388-310-1400	AMD-P	99-18-072
388-290-010	AMD-P	99-08-121	388-290-550	NEW	99-14-023	388-310-1500	AMD-P	99-05-071
388-290-010	AMD	99-14-023	388-290-600	NEW-P	99-08-121	388-310-1500	AMD	99-10-027
388-290-015	NEW-P	99-08-121	388-290-600	NEW	99-14-023	388-310-1600	AMD-P	99-05-071
388-290-015	NEW	99-14-023	388-290-650	NEW-P	99-08-121	388-310-1600	AMD	99-10-027
388-290-020	REP-P	99-08-121	388-290-650	NEW	99-14-023	388-310-1700	AMD-P	99-05-071
388-290-020	REP	99-14-023	388-290-700	NEW-P	99-08-121	388-310-1700	AMD	99-10-027
388-290-025	REP-P	99-08-121	388-290-700	NEW	99-14-023	388-310-1800	AMD-P	99-05-071
388-290-025	REP	99-14-023	388-290-750	NEW-P	99-08-121	388-310-1800	AMD	99-10-027
388-290-030	REP-P	99-08-121	388-290-750	NEW	99-14-023	388-310-1850	NEW-P	99-11-072
388-290-030	REP	99-14-023	388-290-800	NEW-P	99-08-121	388-310-1850	NEW	99-14-044
388-290-035	REP-P	99-08-121	388-290-800	NEW	99-14-023	388-310-1900	AMD-P	99-05-071
388-290-035	REP	99-14-023	388-290-850	NEW-P	99-08-121	388-310-1900	AMD	99-10-027
388-290-050	REP-P	99-08-121	388-290-850	NEW	99-14-023	388-320	PREP	99-07-104
388-290-050	REP	99-14-023	388-290-850	PREP	99-17-024	388-320-010	REP-P	99-11-085
388-290-055	REP-P	99-08-121	388-290-900	NEW-P	99-08-121	388-320-010	REP	99-15-065
388-290-055	REP	99-14-023	388-290-900	NEW	99-14-023	388-320-030	REP-P	99-11-085
388-290-060	REP-P	99-08-121	388-290-905	NEW	99-14-023	388-320-030	REP	99-15-065
388-290-060	REP	99-14-023	388-290-910	NEW	99-14-023	388-320-100	REP-P	99-11-085
388-290-070	REP-P	99-08-121	388-290-915	NEW	99-14-023	388-320-100	REP	99-15-065
388-290-070	REP	99-14-023	388-290-920	NEW	99-14-023	388-320-110	REP-P	99-11-085
388-290-075	NEW-P	99-08-121	388-290-920	PREP	99-17-024	388-320-110	REP	99-15-065
388-290-075	NEW	99-14-023	388-290-925	NEW	99-14-023	388-320-115	REP-P	99-11-085
388-290-080	REP-P	99-08-121	388-290-930	NEW	99-14-023	388-320-115	REP	99-15-065
388-290-080	REP	99-14-023	388-290-935	NEW	99-14-023	388-320-130	REP-P	99-11-085
388-290-090	REP-P	99-08-121	388-290-940	NEW	99-14-023	388-320-130	REP	99-15-065
388-290-090	REP	99-14-023	388-290-945	NEW	99-14-023	388-320-132	REP-P	99-11-085
388-290-1000	NEW-P	99-08-121	388-290-950	NEW	99-14-023	388-320-132	REP	99-15-065
388-290-105	REP-P	99-08-121	388-290-950	PREP	99-17-024	388-320-133	REP-P	99-11-085
388-290-105	REP	99-14-023	388-310	PREP	99-14-024	388-320-133	REP	99-15-065
388-290-1050	NEW-P	99-08-121	388-310-0100	AMD-P	99-05-072	388-320-135	REP-P	99-11-085
388-290-1100	NEW-P	99-08-121	388-310-0100	AMD	99-08-051	388-320-135	REP	99-15-065
388-290-1150	NEW-P	99-08-121	388-310-0200	AMD-P	99-05-072	388-320-140	REP-P	99-11-085
388-290-1200	NEW-P	99-08-121	388-310-0200	AMD	99-08-051	388-320-140	REP	99-15-065
388-290-125	NEW-P	99-08-121	388-310-0200	AMD-E	99-14-041	388-320-170	REP-P	99-11-085
388-290-125	NEW	99-14-023	388-310-0200	AMD-P	99-18-072	388-320-170	REP	99-15-065
388-290-1250	NEW-P	99-08-121	388-310-0300	AMD-P	99-05-071	388-320-205	REP-P	99-11-085
388-290-1300	NEW-P	99-08-121	388-310-0300	AMD	99-10-027	388-320-205	REP	99-15-065
388-290-1350	NEW-P	99-08-121	388-310-0300	AMD-E	99-14-041	388-320-210	REP-P	99-11-085
388-290-1375	NEW-P	99-08-121	388-310-0300	AMD-P	99-18-072	388-320-210	REP	99-15-065
388-290-1400	NEW-P	99-08-121	388-310-0400	AMD-P	99-05-071	388-320-220	REP-P	99-11-085
388-290-150	NEW-P	99-08-121	388-310-0400	AMD	99-10-027	388-320-220	REP	99-15-065
388-290-150	NEW	99-14-023	388-310-0400	AMD-P	99-18-072	388-320-225	REP-P	99-11-085
388-290-200	NEW-P	99-08-121	388-310-0500	AMD-P	99-05-071	388-320-225	REP	99-15-065
388-290-200	NEW	99-14-023	388-310-0500	AMD	99-10-027	388-320-235	REP-P	99-11-085
388-290-270	NEW-P	99-08-121	388-310-0600	AMD-P	99-05-071	388-320-235	REP	99-15-065
388-290-270	NEW	99-14-023	388-310-0600	AMD	99-10-027	388-320-240	REP-P	99-11-085
388-290-280	NEW-P	99-08-121	388-310-0700	AMD-P	99-05-071	388-320-240	REP	99-15-065
388-290-280	NEW	99-14-023	388-310-0700	AMD	99-10-027	388-320-350	REP-P	99-03-076
388-290-300	NEW-P	99-08-121	388-310-0700	AMD-P	99-18-072	388-320-350	REP	99-06-044
388-290-300	NEW	99-14-023	388-310-0800	AMD-P	99-05-071	388-320-360	REP-P	99-03-076
388-290-350	NEW-P	99-08-121	388-310-0800	AMD-S	99-10-028	388-320-360	REP	99-06-044

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-320-370	REP-P	99-03-076	388-444-0035	AMD	99-07-024	388-462-0020	NEW-P	99-10-105
388-320-370	REP	99-06-044	388-444-0040	AMD	99-07-024	388-470-0005	PREP	99-03-040
388-320-375	NEW-P	99-03-076	388-444-0045	AMD	99-07-024	388-470-0010	PREP	99-03-040
388-320-375	NEW	99-06-044	388-444-0075	AMD	99-07-024	388-470-0012	NEW-P	99-06-099
388-320-375	REP-P	99-11-085	388-448-0001	PREP	99-04-055	388-470-0012	NEW	99-09-053
388-320-375	REP	99-15-065	388-450-0005	AMD-P	99-12-118	388-470-0015	PREP	99-03-040
388-320-450	REP-P	99-11-085	388-450-0005	AMD	99-16-024	388-470-0020	PREP	99-03-040
388-320-450	REP	99-15-065	388-450-0015	AMD-P	99-13-192	388-470-0025	PREP	99-03-040
388-320-460	REP-P	99-11-085	388-450-0015	AMD	99-17-025	388-470-0025	AMD-P	99-12-117
388-320-460	REP	99-15-065	388-450-0025	AMD-P	99-13-192	388-470-0025	AMD	99-16-024
388-330-010	PREP	99-07-039	388-450-0025	AMD	99-17-025	388-470-0035	AMD-P	99-12-117
388-330-020	PREP	99-07-039	388-450-0030	AMD-P	99-13-192	388-470-0035	AMD	99-16-024
388-330-030	PREP	99-07-039	388-450-0030	AMD	99-17-025	388-470-0045	AMD-P	99-12-117
388-330-035	PREP	99-07-039	388-450-0035	AMD-P	99-12-119	388-470-0045	AMD	99-16-024
388-330-040	PREP	99-07-039	388-450-0035	AMD	99-16-024	388-470-0050	PREP	99-03-040
388-330-050	PREP	99-07-039	388-450-0045	AMD-P	99-12-119	388-470-0055	AMD-P	99-12-117
388-330-060	PREP	99-07-039	388-450-0045	AMD	99-16-024	388-470-0055	AMD	99-16-024
388-400	PREP	99-07-105	388-450-0050	PREP	99-03-040	388-470-0070	PREP	99-03-040
388-400-0020	AMD-P	99-04-102	388-450-0050	AMD-P	99-06-098	388-470-0075	AMD-P	99-12-117
388-400-0020	AMD	99-08-050	388-450-0050	AMD	99-09-054	388-470-0075	AMD	99-16-024
388-406-0015	AMD-P	99-12-121	388-450-0060	AMD-P	99-12-119	388-472-0005	AMD-P	99-13-192
388-406-0015	AMD	99-16-024	388-450-0060	AMD	99-16-024	388-472-0005	AMD	99-17-025
388-406-0035	AMD-P	99-12-121	388-450-0065	AMD-P	99-12-119	388-476-0005	AMD-P	99-13-192
388-406-0035	AMD	99-16-024	388-450-0065	AMD	99-16-024	388-476-0005	AMD	99-17-025
388-406-0040	AMD-P	99-12-121	388-450-0080	AMD-P	99-12-119	388-478-0010	AMD-P	99-12-120
388-406-0040	AMD	99-16-024	388-450-0080	AMD	99-16-024	388-478-0010	AMD	99-16-024
388-406-0050	AMD-P	99-12-121	388-450-0085	AMD-P	99-12-119	388-478-0015	AMD	99-04-056
388-406-0050	AMD	99-16-024	388-450-0085	AMD	99-16-024	388-478-0025	REP-P	99-12-116
388-408-0010	AMD-P	99-10-105	388-450-0100	AMD-P	99-12-116	388-478-0025	REP	99-16-024
388-408-0010	AMD	99-14-045	388-450-0100	AMD	99-16-024	388-478-0055	AMD	99-04-103
388-408-0015	AMD-P	99-10-105	388-450-0106	PREP	99-03-040	388-478-0055	PREP	99-05-045
388-408-0015	AMD	99-14-045	388-450-0106	AMD-P	99-12-116	388-478-0055	AMD-P	99-15-078
388-408-0035	AMD-P	99-12-120	388-450-0106	AMD	99-16-024	388-478-0055	AMD	99-18-063
388-412-0005	AMD-P	99-12-117	388-450-0116	PREP	99-03-040	388-478-0060	AMD	99-05-074
388-412-0005	AMD	99-16-024	388-450-0116	AMD-P	99-12-116	388-478-0060	AMD-P	99-12-120
388-412-0015	AMD-P	99-12-117	388-450-0116	AMD	99-16-024	388-478-0060	AMD	99-16-024
388-412-0015	AMD	99-16-024	388-450-0140	AMD-P	99-12-116	388-478-0070	AMD-P	99-08-118
388-416-0005	AMD-P	99-12-117	388-450-0140	AMD	99-16-024	388-478-0070	AMD-E	99-08-119
388-416-0005	AMD	99-16-024	388-450-0160	AMD-P	99-12-116	388-478-0070	AMD	99-11-054
388-416-0015	PREP	99-18-043	388-450-0160	AMD	99-16-024	388-478-0075	PREP	99-07-103
388-418-0012	NEW-P	99-12-121	388-450-0185	AMD-P	99-12-116	388-478-0075	AMD-E	99-08-001
388-418-0012	NEW	99-16-024	388-450-0185	AMD	99-16-024	388-478-0075	AMD-P	99-15-044
388-418-0025	AMD-P	99-07-137	388-450-0190	AMD-P	99-12-116	388-478-0075	AMD-E	99-15-045
388-418-0025	AMD	99-10-064	388-450-0190	AMD	99-16-024	388-478-0080	AMD-P	99-08-118
388-418-0025	PREP	99-18-043	388-450-0195	AMD-E	99-05-046	388-478-0080	AMD-E	99-08-119
388-418-0030	AMD-P	99-12-121	388-450-0195	AMD-P	99-06-088	388-478-0080	AMD	99-11-054
388-418-0030	AMD	99-16-024	388-450-0195	AMD	99-09-055	388-478-0085	PREP	99-07-103
388-424-0005	AMD-P	99-13-126	388-450-0200	AMD-P	99-12-116	388-478-0085	AMD-E	99-08-001
388-424-0005	AMD	99-17-023	388-450-0200	AMD	99-16-024	388-478-0085	AMD-P	99-15-044
388-424-0010	AMD-P	99-13-126	388-450-0215	AMD-P	99-12-118	388-478-0085	AMD-E	99-15-045
388-424-0010	AMD	99-17-023	388-450-0215	AMD	99-16-024	388-482-0005	AMD-P	99-12-117
388-426	PREP	99-08-120	388-450-0220	AMD-P	99-12-118	388-482-0005	AMD	99-16-024
388-426-0005	AMD-P	99-13-192	388-450-0220	AMD	99-16-024	388-484-0005	AMD-P	99-04-102
388-426-0005	AMD	99-17-025	388-450-0225	AMD-P	99-12-118	388-484-0005	AMD	99-08-050
388-434-0005	PREP	99-04-054	388-450-0225	AMD	99-16-024	388-501-0130	PREP	99-05-044
388-436-0001	REP-P	99-11-073	388-450-0235	AMD-P	99-12-118	388-501-0160	PREP	99-08-040
388-436-0001	REP	99-14-046	388-450-0235	AMD	99-16-024	388-501-0165	PREP	99-08-041
388-436-0002	NEW-P	99-11-073	388-450-0250	AMD-P	99-12-118	388-501-0175	PREP	99-05-044
388-436-0002	NEW	99-14-046	388-450-0250	AMD	99-16-024	388-502-0220	PREP	99-06-085
388-436-0005	REP-P	99-11-073	388-450-195	PREP	99-18-041	388-502-0220	AMD-P	99-11-052
388-436-0005	REP	99-14-046	388-452-0005	AMD-P	99-08-015	388-502-0220	AMD	99-16-070
388-436-0030	AMD-E	99-14-042	388-452-0005	AMD	99-11-075	388-502-0250	PREP	99-05-044
388-438-0110	PREP	99-10-047	388-462-0005	REP-P	99-10-105	388-503-0310	REP-XR	99-15-042
388-440	PREP	99-08-120	388-462-0005	REP	99-14-045	388-505-0210	AMD-P	99-13-126
388-442-0010	AMD-P	99-12-120	388-462-0010	AMD-P	99-10-105	388-505-0210	AMD	99-17-023
388-442-0010	AMD	99-16-024	388-462-0010	AMD	99-14-045	388-505-0540	PREP	99-05-044
388-444-0020	AMD-W	99-14-078	388-462-0011	NEW	99-14-045	388-505-0595	PREP	99-05-044

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-510-1005	REP-XR	99-15-042	388-535-1000	REP	99-07-023	388-550-2531	NEW-P	99-14-038
388-511-1130	PREP	99-05-044	388-535-1010	NEW	99-07-023	388-550-2531	NEW	99-17-111
388-513-1300	REP-P	99-16-067	388-535-1050	AMD	99-07-023	388-550-2541	NEW-P	99-14-038
388-513-1301	NEW-P	99-16-067	388-535-1060	NEW	99-07-023	388-550-2541	NEW	99-17-111
388-513-1305	AMD	99-06-045	388-535-1080	NEW	99-07-023	388-550-2551	NEW-P	99-14-038
388-513-1305	AMD-P	99-16-067	388-535-1100	AMD	99-07-023	388-550-2551	NEW	99-17-111
388-513-1310	REP-P	99-16-067	388-535-1150	AMD	99-07-023	388-550-2561	NEW-P	99-14-038
388-513-1315	AMD	99-06-045	388-535-1200	AMD	99-07-023	388-550-2561	NEW	99-17-111
388-513-1315	AMD-P	99-16-067	388-535-1220	NEW	99-07-023	388-550-2800	AMD	99-06-046
388-513-1320	AMD	99-06-045	388-535-1230	NEW	99-07-023	388-550-2800	PREP	99-06-084
388-513-1320	AMD-P	99-16-067	388-535-1240	NEW	99-07-023	388-550-2800	AMD-P	99-09-091
388-513-1325	NEW-P	99-16-067	388-535-1250	AMD	99-07-023	388-550-2800	AMD	99-14-027
388-513-1330	AMD	99-06-045	388-535-1260	NEW	99-07-023	388-550-2900	AMD	99-06-046
388-513-1330	AMD-P	99-16-067	388-535-1300	AMD	99-07-023	388-550-2900	PREP	99-06-084
388-513-1340	AMD-W	99-13-096	388-535-1350	AMD	99-07-023	388-550-2900	AMD-P	99-09-091
388-513-1345	AMD-W	99-13-096	388-535-1400	AMD	99-07-023	388-550-2900	AMD	99-14-027
388-513-1350	AMD	99-06-045	388-535-1450	AMD	99-07-023	388-550-3000	AMD	99-06-046
388-513-1350	AMD-P	99-16-067	388-535-1500	AMD	99-07-023	388-550-3100	AMD	99-06-046
388-513-1360	AMD	99-06-045	388-535-1550	AMD	99-07-023	388-550-3381	NEW-P	99-14-038
388-513-1360	AMD-P	99-16-067	388-539-0500	PREP	99-13-190	388-550-3381	NEW	99-17-111
388-513-1365	AMD	99-06-045	388-540-001	PREP	99-05-044	388-550-3401	NEW-P	99-14-038
388-513-1365	AMD-P	99-16-067	388-540-010	PREP	99-05-044	388-550-3401	NEW	99-17-111
388-513-1366	NEW-P	99-16-067	388-540-020	PREP	99-05-044	388-550-3450	PREP	99-06-084
388-513-1380	AMD-P	99-06-100	388-540-040	PREP	99-05-044	388-550-3450	AMD-P	99-09-091
388-513-1380	AMD-E	99-08-016	388-540-050	PREP	99-05-044	388-550-3450	AMD	99-14-027
388-513-1380	AMD	99-11-017	388-542	PREP	99-18-102	388-550-3500	AMD	99-06-046
388-513-1380	AMD-E	99-18-040	388-543-1000	NEW-W	99-08-080	388-550-3500	PREP	99-06-084
388-513-1395	AMD	99-06-045	388-543-1100	NEW-W	99-08-080	388-550-3500	AMD-P	99-09-091
388-513-1395	AMD-P	99-16-067	388-543-1200	NEW-W	99-08-080	388-550-3500	AMD	99-14-027
388-513-1396	AMD-P	99-16-067	388-543-1300	NEW-W	99-08-080	388-550-3700	AMD	99-06-046
388-515-1505	AMD-W	99-13-096	388-543-1400	NEW-W	99-08-080	388-550-3900	PREP	99-06-084
388-515-1510	AMD	99-06-045	388-543-1500	NEW-W	99-08-080	388-550-3900	AMD-P	99-09-091
388-515-1510	AMD-P	99-16-067	388-543-1600	NEW-W	99-08-080	388-550-3900	AMD	99-14-027
388-515-1530	AMD	99-06-045	388-543-1700	NEW-W	99-08-080	388-550-4100	PREP	99-06-084
388-515-1530	AMD-P	99-16-067	388-543-1800	NEW-W	99-08-080	388-550-4100	AMD-P	99-09-091
388-526-2610	PREP	99-05-044	388-543-1900	NEW-W	99-08-080	388-550-4100	AMD	99-14-027
388-527	AMD-P	99-07-025	388-543-2000	NEW-W	99-08-080	388-550-4500	AMD	99-06-046
388-527	AMD	99-11-076	388-543-2100	NEW-W	99-08-080	388-550-4500	PREP	99-06-084
388-527-2700	NEW-P	99-07-025	388-543-2200	NEW-W	99-08-080	388-550-4500	AMD-P	99-09-091
388-527-2700	NEW	99-11-076	388-543-2300	NEW-W	99-08-080	388-550-4500	AMD-W	99-11-050
388-527-2730	AMD-P	99-07-025	388-543-2400	NEW-W	99-08-080	388-550-4500	AMD-P	99-13-050
388-527-2730	AMD	99-11-076	388-543-2500	NEW-W	99-08-080	388-550-4500	AMD-S	99-17-110
388-527-2733	NEW-P	99-07-025	388-543-2600	NEW-W	99-08-080	388-550-4700	AMD	99-06-046
388-527-2733	NEW	99-11-076	388-543-2700	NEW-W	99-08-080	388-550-4800	AMD	99-06-046
388-527-2735	REP-P	99-07-025	388-543-2800	NEW-W	99-08-080	388-550-4800	AMD-P	99-09-090
388-527-2735	REP	99-11-076	388-543-2900	NEW-W	99-08-080	388-550-4800	AMD	99-14-026
388-527-2737	NEW-P	99-07-025	388-543-3000	NEW-W	99-08-080	388-550-4900	PREP	99-06-083
388-527-2737	NEW	99-11-076	388-545-0500	PREP	99-11-084	388-550-4900	AMD-P	99-09-087
388-527-2740	AMD-P	99-07-025	388-545-300	NEW-P	99-11-071	388-550-4900	AMD	99-14-040
388-527-2740	AMD	99-11-076	388-545-300	NEW	99-16-068	388-550-5000	PREP	99-06-083
388-527-2742	AMD-P	99-07-025	388-545-700	NEW-P	99-11-074	388-550-5000	AMD-P	99-09-087
388-527-2742	AMD	99-11-076	388-545-700	NEW	99-16-071	388-550-5000	AMD	99-14-040
388-527-2750	AMD-P	99-07-025	388-546	PREP	99-13-191	388-550-5100	PREP	99-06-083
388-527-2750	AMD	99-11-076	388-550-1050	AMD	99-06-046	388-550-5100	AMD-P	99-09-087
388-527-2752	REP-P	99-07-025	388-550-1050	PREP	99-06-087	388-550-5100	AMD	99-14-025
388-527-2752	REP	99-11-076	388-550-1050	AMD-P	99-09-088	388-550-5110	PREP	99-06-083
388-527-2753	REP-P	99-07-025	388-550-1050	AMD	99-14-039	388-550-5110	NEW-P	99-09-087
388-527-2753	REP	99-11-076	388-550-1200	AMD	99-06-046	388-550-5110	NEW-W	99-13-125
388-527-2754	AMD-P	99-07-025	388-550-2300	REP-P	99-14-038	388-550-5120	PREP	99-06-083
388-527-2754	AMD	99-11-076	388-550-2300	REP	99-17-111	388-550-5120	NEW-P	99-09-087
388-527-2790	AMD-P	99-07-025	388-550-2431	NEW	99-06-046	388-550-5120	NEW-W	99-13-125
388-527-2790	AMD	99-11-076	388-550-2501	NEW-P	99-14-038	388-550-5150	PREP	99-06-083
388-527-2795	NEW-P	99-07-025	388-550-2501	NEW	99-17-111	388-550-5150	AMD-P	99-09-087
388-527-2795	NEW	99-11-076	388-550-2511	NEW-P	99-14-038	388-550-5150	AMD	99-14-025
388-530-1800	PREP	99-05-044	388-550-2511	NEW	99-17-111	388-550-5200	PREP	99-06-083
388-530-2050	PREP	99-05-044	388-550-2521	NEW-P	99-14-038	388-550-5200	AMD-P	99-09-087
388-533	PREP	99-06-043	388-550-2521	NEW	99-17-111	388-550-5200	AMD	99-14-025

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-550-5250	PREP	99-06-083	388-551-2120	NEW	99-16-069	388-825-270	NEW-P	99-15-043
388-550-5250	AMD-P	99-09-087	388-551-2130	NEW-P	99-11-053	388-825-272	NEW-P	99-15-043
388-550-5250	AMD	99-14-025	388-551-2130	NEW	99-16-069	388-825-276	NEW-P	99-15-043
388-550-5300	PREP	99-06-083	388-551-2200	NEW-P	99-11-053	388-825-278	NEW-P	99-15-043
388-550-5300	AMD-P	99-09-087	388-551-2200	NEW	99-16-069	388-825-280	NEW-P	99-15-043
388-550-5300	AMD	99-14-025	388-551-2210	NEW-P	99-11-053	388-825-282	NEW-P	99-15-043
388-550-5350	PREP	99-06-083	388-551-2210	NEW	99-16-069	388-825-284	NEW-P	99-15-043
388-550-5350	AMD-P	99-09-087	388-551-2220	NEW-P	99-11-053	388-890-0005	NEW-P	99-12-030
388-550-5350	AMD	99-14-025	388-551-2220	NEW	99-16-069	388-890-0005	NEW	99-18-053
388-550-5400	PREP	99-06-083	388-552-001	NEW-P	99-08-122	388-890-0010	NEW-P	99-12-030
388-550-5400	AMD-P	99-09-087	388-552-001	NEW	99-13-049	388-890-0010	NEW	99-18-053
388-550-5400	AMD	99-14-025	388-552-005	NEW-P	99-08-122	388-890-0015	NEW-P	99-12-030
388-550-5600	PREP	99-06-085	388-552-005	NEW	99-13-049	388-890-0015	NEW	99-18-053
388-550-5600	AMD-P	99-11-052	388-552-100	NEW-P	99-08-122	388-890-0020	NEW-P	99-12-030
388-550-5600	AMD	99-16-070	388-552-100	NEW	99-13-049	388-890-0020	NEW	99-18-053
388-550-6000	AMD	99-06-046	388-552-200	NEW-P	99-08-122	388-890-0025	NEW-P	99-12-030
388-550-6000	PREP	99-06-086	388-552-200	NEW	99-13-049	388-890-0025	NEW	99-18-053
388-550-6000	AMD-P	99-09-089	388-552-210	NEW-P	99-08-122	388-890-0030	NEW-P	99-12-030
388-550-6000	PREP	99-12-071	388-552-210	NEW	99-13-049	388-890-0030	NEW	99-18-053
388-550-6000	AMD	99-14-028	388-552-220	NEW-P	99-08-122	388-890-0035	NEW-P	99-12-030
388-551-1000	NEW-P	99-05-073	388-552-220	NEW	99-13-049	388-890-0035	NEW	99-18-053
388-551-1000	NEW	99-09-007	388-552-230	NEW-P	99-08-122	388-890-0040	NEW-P	99-12-030
388-551-1010	NEW-P	99-05-073	388-552-230	NEW	99-13-049	388-890-0040	NEW	99-18-053
388-551-1010	NEW	99-09-007	388-552-240	NEW-P	99-08-122	388-890-0045	NEW-P	99-12-030
388-551-1200	NEW-P	99-05-073	388-552-240	NEW	99-13-049	388-890-0045	NEW	99-18-053
388-551-1200	NEW	99-09-007	388-552-300	NEW-P	99-08-122	388-890-0050	NEW-P	99-12-030
388-551-1210	NEW-P	99-05-073	388-552-300	NEW	99-13-049	388-890-0050	NEW	99-18-053
388-551-1210	NEW	99-09-007	388-552-310	NEW-P	99-08-122	388-890-0055	NEW-P	99-12-030
388-551-1300	NEW-P	99-05-073	388-552-310	NEW	99-13-049	388-890-0055	NEW	99-18-053
388-551-1300	NEW	99-09-007	388-552-320	NEW-P	99-08-122	388-890-0060	NEW-P	99-12-030
388-551-1310	NEW-P	99-05-073	388-552-320	NEW	99-13-049	388-890-0060	NEW	99-18-053
388-551-1310	NEW	99-09-007	388-552-330	NEW-P	99-08-122	388-890-0065	NEW-P	99-12-030
388-551-1315	NEW-P	99-05-073	388-552-330	NEW	99-13-049	388-890-0065	NEW	99-18-053
388-551-1315	NEW	99-09-007	388-552-340	NEW-P	99-08-122	388-890-0070	NEW-P	99-12-030
388-551-1320	NEW-P	99-05-073	388-552-340	NEW	99-13-049	388-890-0070	NEW	99-18-053
388-551-1320	NEW	99-09-007	388-552-350	NEW-P	99-08-122	388-890-0071	NEW	99-18-053
388-551-1330	NEW-P	99-05-073	388-552-350	NEW	99-13-049	388-890-0075	NEW-P	99-12-030
388-551-1330	NEW	99-09-007	388-552-360	NEW-P	99-08-122	388-890-0075	NEW	99-18-053
388-551-1340	NEW-P	99-05-073	388-552-360	NEW	99-13-049	388-890-0080	NEW-P	99-12-030
388-551-1340	NEW	99-09-007	388-552-370	NEW-P	99-08-122	388-890-0080	NEW	99-18-053
388-551-1350	NEW-P	99-05-073	388-552-370	NEW	99-13-049	388-890-0085	NEW-P	99-12-030
388-551-1350	NEW	99-09-007	388-552-380	NEW-P	99-08-122	388-890-0085	NEW	99-18-053
388-551-1360	NEW-P	99-05-073	388-552-380	NEW	99-13-049	388-890-0090	NEW-P	99-12-030
388-551-1360	NEW	99-09-007	388-552-390	NEW-P	99-08-122	388-890-0090	NEW	99-18-053
388-551-1400	NEW-P	99-05-073	388-552-390	NEW	99-13-049	388-890-0095	NEW-P	99-12-030
388-551-1400	NEW	99-09-007	388-552-400	NEW-P	99-08-122	388-890-0095	NEW	99-18-053
388-551-1410	NEW-P	99-05-073	388-552-400	NEW	99-13-049	388-890-0100	NEW-P	99-12-030
388-551-1410	NEW	99-09-007	388-552-410	NEW-P	99-08-122	388-890-0100	NEW	99-18-053
388-551-1500	NEW-P	99-05-073	388-552-410	NEW	99-13-049	388-890-0105	NEW-P	99-12-030
388-551-1500	NEW	99-09-007	388-552-420	NEW-P	99-08-122	388-890-0105	NEW	99-18-053
388-551-1510	NEW-P	99-05-073	388-552-420	NEW	99-13-049	388-890-0110	NEW-P	99-12-030
388-551-1510	NEW	99-09-007	388-810-005	NEW-P	99-16-098	388-890-0110	NEW	99-18-053
388-551-1520	NEW-P	99-05-073	388-810-010	NEW-P	99-16-098	388-890-0115	NEW-P	99-12-030
388-551-1520	NEW	99-09-007	388-810-020	NEW-P	99-16-098	388-890-0115	NEW	99-18-053
388-551-1530	NEW-P	99-05-073	388-810-030	NEW-P	99-16-098	388-890-0120	NEW-P	99-12-030
388-551-1530	NEW	99-09-007	388-810-040	NEW-P	99-16-098	388-890-0120	NEW	99-18-053
388-551-2000	NEW-P	99-11-053	388-810-050	NEW-P	99-16-098	388-890-0125	NEW-P	99-12-030
388-551-2000	NEW	99-16-069	388-810-060	NEW-P	99-16-098	388-890-0125	NEW	99-18-053
388-551-2010	NEW-P	99-11-053	388-810-070	NEW-P	99-16-098	388-890-0130	NEW-P	99-12-030
388-551-2010	NEW	99-16-069	388-810-080	NEW-P	99-16-098	388-890-0130	NEW	99-18-053
388-551-2020	NEW-P	99-11-053	388-810-090	NEW-P	99-16-098	388-890-0135	NEW-P	99-12-030
388-551-2020	NEW	99-16-069	388-825-020	RECOD-P	99-15-043	388-890-0135	NEW	99-18-053
388-551-2100	NEW-P	99-11-053	388-825-260	NEW-P	99-15-043	388-890-0140	NEW-P	99-12-030
388-551-2100	NEW	99-16-069	388-825-262	NEW-P	99-15-043	388-890-0140	NEW	99-18-053
388-551-2110	NEW-P	99-11-053	388-825-264	NEW-P	99-15-043	388-890-0145	NEW-P	99-12-030
388-551-2110	NEW	99-16-069	388-825-266	NEW-P	99-15-043	388-890-0145	NEW	99-18-053
388-551-2120	NEW-P	99-11-053	388-825-268	NEW-P	99-15-043	388-890-0150	NEW-P	99-12-030







Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-890-1295	NEW-P	99-12-030	390-18-050	PREP	99-06-064	391-55-235	AMD	99-14-060
388-890-1295	NEW	99-18-053	390-18-050	AMD-P	99-09-074	391-55-240	AMD-P	99-10-107
388-890-1300	NEW-P	99-12-030	390-18-050	AMD	99-12-068	391-55-240	AMD	99-14-060
388-890-1300	NEW	99-18-053	390-20-014	PREP	99-06-065	391-55-245	AMD-P	99-10-107
388-890-1305	NEW-P	99-12-030	390-20-014	AMD-P	99-09-075	391-55-245	AMD	99-14-060
388-890-1305	NEW	99-18-053	390-20-014	AMD	99-12-069	391-55-255	AMD-P	99-10-107
388-890-1310	NEW-P	99-12-030	390-20-015	PREP	99-06-066	391-55-255	AMD	99-14-060
388-890-1310	NEW	99-18-053	390-20-015	AMD-P	99-09-076	391-55-265	NEW-P	99-10-107
389-12-020	AMD-P	99-16-034	390-20-015	AMD	99-12-070	391-55-265	NEW	99-14-060
389-12-030	AMD-P	99-16-034	390-20-023	PREP	99-06-067	391-55-310	AMD-P	99-10-107
389-12-040	AMD-P	99-16-034	390-20-023	REP-P	99-09-059	391-55-310	AMD	99-14-060
389-12-050	AMD-P	99-16-034	390-20-023	REP	99-12-053	391-55-315	AMD-P	99-10-107
389-12-060	AMD-P	99-16-034	390-20-100	PREP	99-06-068	391-55-315	AMD	99-14-060
389-12-065	AMD-P	99-16-034	390-20-100	REP-P	99-09-060	391-55-320	AMD-P	99-10-107
389-12-071	AMD-P	99-16-034	390-20-100	REP	99-12-054	391-55-320	AMD	99-14-060
389-12-075	AMD-P	99-16-034	390-20-115	PREP	99-06-069	391-55-330	AMD-P	99-10-107
389-12-080	AMD-P	99-16-034	390-20-115	REP-P	99-09-061	391-55-330	AMD	99-14-060
389-12-140	AMD-P	99-16-034	390-20-115	REP	99-12-055	391-55-335	AMD-P	99-10-107
389-12-210	AMD-P	99-16-034	391-08	PREP	99-04-013	391-55-335	AMD	99-14-060
389-12-220	AMD-P	99-16-034	391-08-310	AMD-P	99-10-107	391-55-340	AMD-P	99-10-107
389-12-230	AMD-P	99-16-034	391-08-310	AMD	99-14-060	391-55-340	AMD	99-14-060
390-12-255	PREP	99-06-050	391-08-810	AMD-P	99-10-107	391-55-350	AMD-P	99-10-107
390-12-255	AMD-P	99-09-062	391-08-810	AMD	99-14-060	391-55-350	AMD	99-14-060
390-12-255	AMD	99-12-056	391-55	PREP	99-04-013	391-65	PREP	99-04-013
390-14-015	PREP	99-06-051	391-55-001	AMD-P	99-10-107	391-65-001	AMD-P	99-10-107
390-14-015	AMD-P	99-09-063	391-55-001	AMD	99-14-060	391-65-001	AMD	99-14-060
390-14-015	AMD	99-12-057	391-55-002	AMD-P	99-10-107	391-65-002	AMD-P	99-10-107
390-14-020	PREP	99-06-052	391-55-002	AMD	99-14-060	391-65-002	AMD	99-14-060
390-14-020	AMD-P	99-09-064	391-55-010	AMD-P	99-10-107	391-65-010	AMD-P	99-10-107
390-14-020	AMD	99-12-058	391-55-010	AMD	99-14-060	391-65-010	AMD	99-14-060
390-14-025	PREP	99-06-053	391-55-020	NEW-P	99-10-107	391-65-030	AMD-P	99-10-107
390-14-025	AMD-P	99-09-065	391-55-020	NEW	99-14-060	391-65-030	AMD	99-14-060
390-14-025	AMD	99-12-059	391-55-030	AMD-P	99-10-107	391-65-050	AMD-P	99-10-107
390-14-030	PREP	99-06-054	391-55-030	AMD	99-14-060	391-65-050	AMD	99-14-060
390-14-030	AMD-P	99-09-066	391-55-032	AMD-P	99-10-107	391-65-070	AMD-P	99-10-107
390-14-030	AMD	99-12-060	391-55-032	AMD	99-14-060	391-65-070	AMD	99-14-060
390-14-035	PREP	99-06-055	391-55-050	AMD-P	99-10-107	391-65-090	AMD-P	99-10-107
390-14-035	AMD-P	99-09-067	391-55-050	AMD	99-14-060	391-65-090	AMD	99-14-060
390-14-035	AMD	99-12-061	391-55-070	AMD-P	99-10-107	391-65-110	AMD-P	99-10-107
390-14-040	PREP	99-06-056	391-55-070	AMD	99-14-060	391-65-110	AMD	99-14-060
390-14-040	AMD-P	99-09-068	391-55-071	AMD-P	99-10-107	391-65-130	AMD-P	99-10-107
390-14-040	AMD	99-12-062	391-55-071	AMD	99-14-060	391-65-130	AMD	99-14-060
390-14-045	PREP	99-06-057	391-55-090	AMD-P	99-10-107	391-65-150	AMD-P	99-10-107
390-14-045	AMD-P	99-09-069	391-55-090	AMD	99-14-060	391-65-150	AMD	99-14-060
390-14-045	AMD	99-12-063	391-55-110	AMD-P	99-10-107	392-117-045	PREP	99-11-067
390-14-055	PREP	99-06-058	391-55-110	AMD	99-14-060	392-121-031	AMD-E	99-12-087
390-14-055	REP-P	99-09-057	391-55-120	NEW-P	99-10-107	392-121-031	AMD-P	99-15-048
390-14-055	REP	99-12-051	391-55-120	NEW	99-14-060	392-121-10603	REP	99-08-008
390-14-100	PREP	99-06-059	391-55-130	AMD-P	99-10-107	392-121-10604	REP	99-08-008
390-14-100	AMD-P	99-09-070	391-55-130	AMD	99-14-060	392-121-107	AMD	99-08-008
390-14-100	AMD	99-12-064	391-55-150	AMD-P	99-10-107	392-121-138	PREP	99-11-066
390-14-105	PREP	99-06-060	391-55-150	AMD	99-14-060	392-121-182	AMD	99-08-008
390-14-105	REP-P	99-09-058	391-55-200	AMD-P	99-10-107	392-121-183	REP	99-08-008
390-14-105	REP	99-12-052	391-55-200	AMD	99-14-060	392-121-188	AMD	99-08-008
390-14-110	PREP	99-06-061	391-55-205	AMD-P	99-10-107	392-121-201	AMD	99-08-008
390-14-110	AMD-P	99-09-071	391-55-205	AMD	99-14-060	392-121-206	AMD	99-08-008
390-14-110	AMD	99-12-065	391-55-210	AMD-P	99-10-107	392-121-210	AMD	99-08-008
390-16-011	PREP	99-16-044	391-55-210	AMD	99-14-060	392-122-900	PREP	99-11-063
390-16-012	PREP	99-16-045	391-55-215	AMD-P	99-10-107	392-123-047	AMD-E	99-12-087
390-16-032	PREP	99-16-043	391-55-215	AMD	99-14-060	392-123-047	AMD-P	99-15-048
390-16-041	PREP	99-16-042	391-55-220	AMD-P	99-10-107	392-123-049	AMD-E	99-12-087
390-17-030	PREP	99-06-062	391-55-220	AMD	99-14-060	392-123-049	AMD-P	99-15-048
390-17-030	AMD-P	99-09-072	391-55-225	AMD-P	99-10-107	392-127-015	PREP	99-16-077
390-17-030	AMD	99-12-066	391-55-225	AMD	99-14-060	392-127-030	PREP	99-16-077
390-18-020	PREP	99-06-063	391-55-230	AMD-P	99-10-107	392-127-035	PREP	99-16-077
390-18-020	AMD-P	99-09-073	391-55-230	AMD	99-14-060	392-127-040	PREP	99-16-077
390-18-020	AMD	99-12-067	391-55-235	AMD-P	99-10-107	392-127-050	PREP	99-16-077

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-127-055	PREP	99-16-077	392-172-118	AMD-P	99-17-101	392-172-300	AMD-P	99-17-101
392-127-060	PREP	99-16-077	392-172-120	AMD-P	99-17-101	392-172-302	AMD-P	99-17-101
392-127-065	PREP	99-16-077	392-172-122	AMD-P	99-17-101	392-172-304	AMD-P	99-17-101
392-127-070	PREP	99-16-077	392-172-124	AMD-P	99-17-101	392-172-306	AMD-P	99-17-101
392-127-085	PREP	99-16-077	392-172-126	AMD-P	99-17-101	392-172-307	NEW-P	99-17-101
392-127-095	PREP	99-16-077	392-172-128	AMD-P	99-17-101	392-172-308	AMD-P	99-17-101
392-127-101	PREP	99-16-077	392-172-132	AMD-P	99-17-101	392-172-309	NEW-P	99-17-101
392-127-106	PREP	99-16-077	392-172-134	AMD-P	99-17-101	392-172-310	AMD-P	99-17-101
392-127-111	PREP	99-16-077	392-172-136	AMD-P	99-17-101	392-172-312	AMD-P	99-17-101
392-127-112	PREP	99-16-077	392-172-138	AMD-P	99-17-101	392-172-313	NEW-P	99-17-101
392-127-810	PREP	99-16-077	392-172-140	AMD-P	99-17-101	392-172-314	AMD-P	99-17-101
392-134-020	AMD-W	99-13-094	392-172-142	AMD-P	99-17-101	392-172-316	AMD-P	99-17-101
392-139	PREP	99-11-064	392-172-144	AMD-P	99-17-101	392-172-317	NEW-P	99-17-101
392-140	PREP	99-11-065	392-172-146	AMD-P	99-17-101	392-172-320	REP-P	99-17-101
392-140-950	NEW-E	99-12-087	392-172-148	AMD-P	99-17-101	392-172-322	REP-P	99-17-101
392-140-950	NEW-P	99-15-048	392-172-150	AMD-P	99-17-101	392-172-324	AMD-P	99-17-101
392-140-951	NEW-E	99-12-087	392-172-152	REP-P	99-17-101	392-172-328	AMD-P	99-17-101
392-140-951	NEW-P	99-15-048	392-172-153	NEW-P	99-17-101	392-172-329	NEW-P	99-17-101
392-140-955	NEW-E	99-12-087	392-172-154	REP-P	99-17-101	392-172-330	AMD-P	99-17-101
392-140-955	NEW-P	99-15-048	392-172-156	AMD-P	99-17-101	392-172-332	AMD-P	99-17-101
392-140-956	NEW-E	99-12-087	392-172-15700	NEW-P	99-17-101	392-172-334	AMD-P	99-17-101
392-140-956	NEW-P	99-15-048	392-172-15705	NEW-P	99-17-101	392-172-338	AMD-P	99-17-101
392-140-957	NEW-E	99-12-087	392-172-158	AMD-P	99-17-101	392-172-340	REP-P	99-17-101
392-140-957	NEW-P	99-15-048	392-172-160	AMD-P	99-17-101	392-172-346	REP-P	99-17-101
392-140-960	NEW-E	99-12-087	392-172-161	NEW-P	99-17-101	392-172-348	NEW-P	99-17-101
392-140-960	NEW-P	99-15-048	392-172-162	AMD-P	99-17-101	392-172-350	AMD-P	99-17-101
392-140-961	NEW-E	99-12-087	392-172-163	NEW-P	99-17-101	392-172-351	NEW-P	99-17-101
392-140-961	NEW-P	99-15-048	392-172-164	AMD-P	99-17-101	392-172-352	AMD-P	99-17-101
392-140-962	NEW-E	99-12-087	392-172-166	AMD-P	99-17-101	392-172-354	AMD-P	99-17-101
392-140-962	NEW-P	99-15-048	392-172-168	REP-P	99-17-101	392-172-356	AMD-P	99-17-101
392-140-965	NEW-E	99-12-087	392-172-170	AMD-P	99-17-101	392-172-358	REP-P	99-17-101
392-140-965	NEW-P	99-15-048	392-172-172	AMD-P	99-17-101	392-172-360	AMD-P	99-17-101
392-140-967	NEW-E	99-12-087	392-172-174	AMD-P	99-17-101	392-172-362	AMD-P	99-17-101
392-140-967	NEW-P	99-15-048	392-172-176	AMD-P	99-17-101	392-172-364	AMD-P	99-17-101
392-169	PREP	99-09-008	392-172-178	REP-P	99-17-101	392-172-370	AMD-P	99-17-101
392-169-025	AMD-E	99-13-124	392-172-180	AMD-P	99-17-101	392-172-371	NEW-P	99-17-101
392-169-030	AMD-E	99-13-124	392-172-182	AMD-P	99-17-101	392-172-372	REP-P	99-17-101
392-169-055	AMD-E	99-13-124	392-172-184	AMD-P	99-17-101	392-172-373	NEW-P	99-17-101
392-169-057	AMD-E	99-13-124	392-172-185	NEW-P	99-17-101	392-172-374	REP-P	99-17-101
392-169-060	AMD-E	99-13-124	392-172-186	AMD-P	99-17-101	392-172-37500	NEW-P	99-17-101
392-172	PREP	99-06-049	392-172-188	AMD-P	99-17-101	392-172-37505	NEW-P	99-17-101
392-172-010	AMD-P	99-17-101	392-172-190	AMD-P	99-17-101	392-172-37510	NEW-P	99-17-101
392-172-020	AMD-P	99-17-101	392-172-200	AMD-P	99-17-101	392-172-376	REP-P	99-17-101
392-172-030	AMD-P	99-17-101	392-172-202	AMD-P	99-17-101	392-172-377	NEW-P	99-17-101
392-172-035	AMD-P	99-17-101	392-172-206	REP-P	99-17-101	392-172-378	REP-P	99-17-101
392-172-040	AMD-P	99-17-101	392-172-214	REP-P	99-17-101	392-172-379	NEW-P	99-17-101
392-172-045	AMD-P	99-17-101	392-172-216	REP-P	99-17-101	392-172-380	REP-P	99-17-101
392-172-055	AMD-P	99-17-101	392-172-219	NEW-P	99-17-101	392-172-381	NEW-P	99-17-101
392-172-060	REP-P	99-17-101	392-172-220	AMD-P	99-17-101	392-172-382	REP-P	99-17-101
392-172-062	REP-P	99-17-101	392-172-222	AMD-P	99-17-101	392-172-38300	NEW-P	99-17-101
392-172-065	AMD-P	99-17-101	392-172-224	AMD-P	99-17-101	392-172-38305	NEW-P	99-17-101
392-172-070	AMD-P	99-17-101	392-172-226	AMD-P	99-17-101	392-172-38310	NEW-P	99-17-101
392-172-073	NEW-P	99-17-101	392-172-228	REP-P	99-17-101	392-172-38400	NEW-P	99-17-101
392-172-075	AMD-P	99-17-101	392-172-230	AMD-P	99-17-101	392-172-38405	NEW-P	99-17-101
392-172-100	AMD-P	99-17-101	392-172-231	NEW-P	99-17-101	392-172-38410	NEW-P	99-17-101
392-172-102	AMD-P	99-17-101	392-172-232	AMD-P	99-17-101	392-172-38415	NEW-P	99-17-101
392-172-104	AMD-P	99-17-101	392-172-23300	NEW-P	99-17-101	392-172-385	NEW-P	99-17-101
392-172-105	NEW-P	99-17-101	392-172-23305	NEW-P	99-17-101	392-172-388	AMD-P	99-17-101
392-172-106	AMD-P	99-17-101	392-172-234	REP-P	99-17-101	392-172-390	AMD-P	99-17-101
392-172-107	NEW-P	99-17-101	392-172-236	REP-P	99-17-101	392-172-392	AMD-P	99-17-101
392-172-108	AMD-P	99-17-101	392-172-23600	NEW-P	99-17-101	392-172-394	AMD-P	99-17-101
392-172-109	NEW-P	99-17-101	392-172-23605	NEW-P	99-17-101	392-172-396	AMD-P	99-17-101
392-172-110	REP-P	99-17-101	392-172-23610	NEW-P	99-17-101	392-172-398	AMD-P	99-17-101
392-172-111	NEW-P	99-17-101	392-172-239	NEW-P	99-17-101	392-172-400	AMD-P	99-17-101
392-172-112	AMD-P	99-17-101	392-172-240	AMD-P	99-17-101	392-172-402	AMD-P	99-17-101
392-172-114	AMD-P	99-17-101	392-172-242	AMD-P	99-17-101	392-172-404	AMD-P	99-17-101
392-172-116	AMD-P	99-17-101	392-172-246	AMD-P	99-17-101	392-172-408	AMD-P	99-17-101

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-172-410	AMD-P	99-17-101	399- 30-033	NEW-P	99-05-062	415-105-150	AMD	99-16-075
392-172-414	AMD-P	99-17-101	399- 30-033	NEW	99-09-020	415-105-160	AMD-P	99-13-166
392-172-416	AMD-P	99-17-101	399- 30-034	NEW-P	99-05-062	415-105-160	AMD	99-16-075
392-172-418	AMD-P	99-17-101	399- 30-034	NEW	99-09-020	415-105-170	AMD-P	99-13-166
392-172-420	AMD-P	99-17-101	415-104-035	AMD-P	99-13-166	415-105-170	AMD	99-16-075
392-172-422	AMD-P	99-17-101	415-104-035	AMD	99-16-075	415-105-180	AMD-P	99-13-166
392-172-424	AMD-P	99-17-101	415-104-045	AMD-P	99-13-166	415-105-180	AMD	99-16-075
392-172-426	AMD-P	99-17-101	415-104-045	AMD	99-16-075	415-108-324	AMD-P	99-11-006
392-172-500	AMD-P	99-17-101	415-104-050	AMD-P	99-13-166	415-108-324	AMD	99-14-008
392-172-502	AMD-P	99-17-101	415-104-050	AMD	99-16-075	415-108-326	AMD-P	99-11-006
392-172-50300	NEW-P	99-17-101	415-104-060	AMD-P	99-13-166	415-108-326	AMD	99-14-008
392-172-50305	NEW-P	99-17-101	415-104-060	AMD	99-16-075	415-108-475	AMD-P	99-11-006
392-172-504	AMD-P	99-17-101	415-104-070	AMD-P	99-13-166	415-108-475	AMD	99-14-008
392-172-506	AMD-P	99-17-101	415-104-070	AMD	99-16-075	415-108-485	AMD-P	99-11-006
392-172-507	NEW-P	99-17-101	415-104-080	AMD-P	99-13-166	415-108-485	AMD	99-14-008
392-172-510	AMD-P	99-17-101	415-104-080	AMD	99-16-075	415-108-510	AMD-P	99-11-006
392-172-511	NEW-P	99-17-101	415-104-090	AMD-P	99-13-166	415-108-510	AMD	99-14-008
392-172-512	AMD-P	99-17-101	415-104-090	AMD	99-16-075	415-108-520	AMD-P	99-11-006
392-172-514	AMD-P	99-17-101	415-104-112	NEW-P	99-13-166	415-108-520	AMD	99-14-008
392-172-516	AMD-P	99-17-101	415-104-112	NEW	99-16-075	415-108-671	REP-XR	99-08-074
392-172-520	AMD-P	99-17-101	415-104-125	AMD-P	99-13-166	415-108-671	REP	99-12-041
392-172-526	AMD-P	99-17-101	415-104-125	AMD	99-16-075	415-112-100	AMD-P	99-11-006
392-172-550	AMD-P	99-17-101	415-104-135	AMD-P	99-13-166	415-112-100	AMD	99-14-008
392-172-552	AMD-P	99-17-101	415-104-135	AMD	99-16-075	415-112-270	AMD-P	99-11-006
392-172-553	NEW-P	99-17-101	415-104-145	AMD-P	99-13-166	415-112-270	AMD	99-14-008
392-172-554	REP-P	99-17-101	415-104-145	AMD	99-16-075	415-112-290	AMD-P	99-11-006
392-172-556	REP-P	99-17-101	415-104-165	AMD-P	99-13-166	415-112-290	AMD	99-14-008
392-172-558	REP-P	99-17-101	415-104-165	AMD	99-16-075	415-112-400	AMD-P	99-11-006
392-172-559	NEW-P	99-17-101	415-104-175	AMD-P	99-13-166	415-112-400	AMD	99-14-008
392-172-560	REP-P	99-17-101	415-104-175	AMD	99-16-075	415-112-41301	AMD-P	99-11-006
392-172-561	NEW-P	99-17-101	415-104-211	AMD-P	99-13-166	415-112-41301	AMD	99-14-008
392-172-562	REP-P	99-17-101	415-104-211	AMD	99-16-075	415-112-515	AMD-P	99-11-006
392-172-564	REP-P	99-17-101	415-104-215	AMD-P	99-13-166	415-112-515	AMD	99-14-008
392-172-566	REP-P	99-17-101	415-104-215	AMD	99-16-075	415-112-520	AMD-P	99-11-006
392-172-568	REP-P	99-17-101	415-104-299	AMD-P	99-13-166	415-112-520	AMD	99-14-008
392-172-570	REP-P	99-17-101	415-104-299	AMD	99-16-075	415-112-561	REP-XR	99-08-074
392-172-574	AMD-P	99-17-101	415-105-010	AMD-P	99-13-166	415-112-561	REP	99-12-041
392-172-576	NEW-P	99-17-101	415-105-010	AMD	99-16-075	415-112-600	AMD-P	99-11-006
392-172-57700	NEW-P	99-17-101	415-105-020	AMD-P	99-13-166	415-112-600	AMD	99-14-008
392-172-57800	NEW-P	99-17-101	415-105-020	AMD	99-16-075	415-112-700	AMD-P	99-11-006
392-172-57900	NEW-P	99-17-101	415-105-030	AMD-P	99-13-166	415-112-700	AMD	99-14-008
392-172-580	AMD-P	99-17-101	415-105-030	AMD	99-16-075	415-112-710	AMD-P	99-11-006
392-172-582	AMD-P	99-17-101	415-105-040	AMD-P	99-13-166	415-112-710	AMD	99-14-008
392-172-583	NEW-P	99-17-101	415-105-040	AMD	99-16-075	415-112-725	AMD-P	99-11-006
392-172-584	AMD-P	99-17-101	415-105-050	AMD-P	99-13-166	415-112-725	AMD	99-14-008
392-172-585	NEW-P	99-17-101	415-105-050	AMD	99-16-075	415-112-727	AMD-P	99-11-006
392-172-588	AMD-P	99-17-101	415-105-060	AMD-P	99-13-166	415-112-727	AMD	99-14-008
392-172-590	AMD-P	99-17-101	415-105-060	AMD	99-16-075	415-112-800	AMD-P	99-11-006
392-172-592	REP-P	99-17-101	415-105-070	AMD-P	99-13-166	415-112-800	AMD	99-14-008
392-172-594	REP-P	99-17-101	415-105-070	AMD	99-16-075	415-115-070	REP-XR	99-08-074
392-172-595	NEW-P	99-17-101	415-105-072	NEW-P	99-13-166	415-115-070	REP	99-12-041
392-172-600	NEW-P	99-17-101	415-105-072	NEW	99-16-075	419- 14-135	NEW-P	99-07-131
392-172-605	NEW-P	99-17-101	415-105-074	NEW-P	99-13-166	419- 14-135	NEW	99-10-024
392-172-610	NEW-P	99-17-101	415-105-074	NEW	99-16-075	419- 14-140	NEW-P	99-07-131
392-172-615	NEW-P	99-17-101	415-105-080	AMD-P	99-13-166	419- 14-140	NEW	99-10-024
392-172-620	NEW-P	99-17-101	415-105-080	AMD	99-16-075	434- 55-060	AMD-XA	99-05-038
392-172-625	NEW-P	99-17-101	415-105-090	AMD-P	99-13-166	434- 55-060	AMD	99-12-008
392-172-630	NEW-P	99-17-101	415-105-090	AMD	99-16-075	434- 55-065	AMD-XA	99-05-038
392-172-635	NEW-P	99-17-101	415-105-100	AMD-P	99-13-166	434- 55-065	AMD	99-12-008
392-172-640	NEW-P	99-17-101	415-105-100	AMD	99-16-075	434-130-090	AMD-XA	99-05-039
392-172-645	NEW-P	99-17-101	415-105-110	AMD-P	99-13-166	434-130-090	AMD	99-12-007
392-172-650	NEW-P	99-17-101	415-105-110	AMD	99-16-075	434-166-210	AMD-XA	99-12-009
392-172-655	NEW-P	99-17-101	415-105-120	AMD-P	99-13-166	434-166-210	AMD	99-16-066
392-172-660	NEW-P	99-17-101	415-105-120	AMD	99-16-075	434-166-290	AMD-XA	99-12-009
392-172-665	NEW-P	99-17-101	415-105-140	AMD-P	99-13-166	434-166-290	AMD	99-16-066
399- 30-032	NEW-P	99-05-062	415-105-140	AMD	99-16-075	434-166-310	AMD-XA	99-12-009
399- 30-032	NEW	99-09-020	415-105-150	AMD-P	99-13-166	434-166-310	AMD	99-16-066

### Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
434-180-215	AMD	99-02-047	434-260-190	AMD	99-12-004	434-334-090	AMD	99-08-115
434-180-265	AMD	99-02-048	434-260-200	AMD-P	99-07-043	434-334-095	AMD-P	99-05-034
434-180-360	AMD	99-02-047	434-260-200	AMD	99-12-004	434-334-095	AMD	99-08-115
434-219-020	AMD-P	99-18-076	434-260-210	REP-P	99-07-043	434-334-100	AMD-P	99-05-034
434-219-120	AMD-P	99-18-076	434-260-210	REP	99-12-004	434-334-100	AMD	99-08-115
434-219-140	AMD-P	99-18-076	434-260-215	REP-P	99-07-043	434-334-105	AMD-P	99-05-034
434-219-160	AMD-P	99-18-076	434-260-215	REP	99-12-004	434-334-105	AMD	99-08-115
434-219-165	NEW-P	99-18-076	434-260-220	AMD-P	99-07-043	434-334-110	AMD-P	99-05-034
434-219-170	NEW-P	99-18-076	434-260-220	AMD	99-12-004	434-334-110	AMD	99-08-115
434-219-180	AMD-P	99-18-076	434-260-225	NEW-P	99-07-043	434-334-115	REP-P	99-05-034
434-219-185	NEW-P	99-18-076	434-260-225	NEW	99-12-004	434-334-115	REP	99-08-115
434-219-210	AMD-P	99-18-076	434-260-230	REP-P	99-07-043	434-334-120	RECOD-P	99-05-034
434-219-220	AMD-P	99-18-076	434-260-230	REP	99-12-004	434-334-120	RECOD	99-08-115
434-219-230	AMD-P	99-18-076	434-260-235	NEW-P	99-07-043	434-334-125	NEW-P	99-05-034
434-219-240	AMD-P	99-18-076	434-260-235	NEW	99-12-004	434-334-125	NEW	99-08-115
434-219-250	AMD-P	99-18-076	434-260-240	AMD-P	99-07-043	434-334-130	NEW-P	99-05-034
434-219-255	NEW-P	99-18-076	434-260-240	AMD	99-12-004	434-334-130	NEW	99-08-115
434-219-260	AMD-P	99-18-076	434-260-250	REP-P	99-07-043	434-334-135	NEW-P	99-05-034
434-219-270	AMD-P	99-18-076	434-260-250	REP	99-12-004	434-334-135	NEW	99-08-115
434-219-280	AMD-P	99-18-076	434-260-260	AMD-P	99-07-043	434-334-140	NEW-P	99-05-034
434-219-285	NEW-P	99-18-076	434-260-260	AMD	99-12-004	434-334-140	NEW	99-08-115
434-219-290	AMD-P	99-18-076	434-260-270	REP-P	99-07-043	434-334-145	NEW-P	99-05-034
434-219-300	NEW-P	99-18-076	434-260-270	REP	99-12-004	434-334-145	NEW	99-08-115
434-219-310	AMD-P	99-18-076	434-260-280	REP-P	99-07-043	434-334-150	NEW-P	99-05-034
434-219-320	AMD-P	99-18-076	434-260-280	REP	99-12-004	434-334-150	NEW	99-08-115
434-230-170	AMD-P	99-18-044	434-260-290	REP-P	99-07-043	434-334-155	NEW-P	99-05-034
434-230-210	AMD-P	99-18-044	434-260-290	REP	99-12-004	434-334-155	NEW	99-08-115
434-230-220	NEW-P	99-18-044	434-260-300	AMD-P	99-07-043	434-334-160	NEW-P	99-05-034
434-240-205	AMD-P	99-05-054	434-260-300	AMD	99-12-004	434-334-160	NEW	99-08-115
434-240-205	AMD	99-08-089	434-260-305	NEW-P	99-07-043	434-334-165	NEW-P	99-05-034
434-260	AMD-P	99-07-043	434-260-305	NEW	99-12-004	434-334-165	NEW	99-08-115
434-260	AMD	99-12-004	434-260-310	AMD-P	99-07-043	434-334-170	NEW-P	99-05-034
434-260-010	AMD-P	99-07-043	434-260-310	AMD	99-12-004	434-334-170	NEW	99-08-115
434-260-010	AMD	99-12-004	434-260-320	AMD-P	99-07-043	434-334-175	NEW-P	99-05-034
434-260-020	AMD-P	99-07-043	434-260-320	AMD	99-12-004	434-334-175	NEW	99-08-115
434-260-020	AMD	99-12-004	434-260-330	AMD-P	99-07-043	434-663	PREP	99-16-117
434-260-030	AMD-P	99-07-043	434-260-330	AMD	99-12-004	440- 22	PREP	99-10-010
434-260-030	AMD	99-12-004	434-260-340	AMD-P	99-07-043	440- 25	PREP	99-06-082
434-260-040	AMD-P	99-07-043	434-260-340	AMD	99-12-004	440- 25-005	REP-P	99-16-098
434-260-040	AMD	99-12-004	434-260-350	AMD-P	99-07-043	440- 25-010	REP-P	99-16-098
434-260-050	AMD-P	99-07-043	434-260-350	AMD	99-12-004	440- 25-020	REP-P	99-16-098
434-260-050	AMD	99-12-004	434-261-005	AMD-P	99-05-054	440- 25-030	REP-P	99-16-098
434-260-060	AMD-P	99-07-043	434-261-005	AMD	99-08-089	440- 25-040	REP-P	99-16-098
434-260-060	AMD	99-12-004	434-261-080	AMD-P	99-05-054	440- 25-050	REP-P	99-16-098
434-260-070	REP-P	99-07-043	434-261-080	AMD	99-08-089	440- 25-060	REP-P	99-16-098
434-260-070	REP	99-12-004	434-324-010	AMD-E	99-17-008	440- 25-070	REP-P	99-16-098
434-260-080	AMD-P	99-07-043	434-324-105	REP-P	99-05-054	440- 25-080	REP-P	99-16-098
434-260-080	AMD	99-12-004	434-324-105	REP	99-08-089	440- 25-090	REP-P	99-16-098
434-260-110	AMD-P	99-07-043	434-334-055	AMD-P	99-05-034	440- 25-100	REP-P	99-16-098
434-260-110	AMD	99-12-004	434-334-055	AMD	99-08-115	440- 25-110	REP-P	99-16-098
434-260-120	AMD-P	99-07-043	434-334-063	NEW-P	99-05-034	440- 25-120	REP-P	99-16-098
434-260-120	AMD	99-12-004	434-334-063	NEW	99-08-115	440- 44-025	PREP	99-17-055
434-260-130	AMD-P	99-07-043	434-334-065	AMD-P	99-05-034	440- 44-026	PREP	99-17-055
434-260-130	AMD	99-12-004	434-334-065	AMD	99-08-115	446- 16-070	AMD-P	99-03-080
434-260-140	AMD-P	99-07-043	434-334-070	AMD-P	99-05-034	446- 16-070	AMD	99-07-051
434-260-140	AMD	99-12-004	434-334-070	AMD	99-08-115	446- 16-080	AMD-P	99-03-080
434-260-145	NEW-P	99-07-043	434-334-075	AMD-P	99-05-034	446- 16-080	AMD	99-07-051
434-260-145	NEW	99-12-004	434-334-075	AMD	99-08-115	446- 16-100	AMD-P	99-03-080
434-260-150	AMD-P	99-07-043	434-334-080	DECOD-P	99-05-034	446- 16-100	AMD	99-07-051
434-260-150	AMD	99-12-004	434-334-080	AMD-P	99-05-034	446- 16-110	AMD-P	99-03-080
434-260-160	AMD-P	99-07-043	434-334-080	DECOD	99-08-115	446- 16-110	AMD	99-07-051
434-260-160	AMD	99-12-004	434-334-080	AMD	99-08-115	446- 20-600	AMD-P	99-03-081
434-260-170	AMD-P	99-07-043	434-334-082	NEW-P	99-05-034	446- 20-600	AMD	99-07-050
434-260-170	AMD	99-12-004	434-334-082	NEW	99-08-115	446- 30-010	PREP	99-17-087
434-260-180	REP-P	99-07-043	434-334-085	AMD-P	99-05-034	448- 13-030	AMD	99-06-048
434-260-180	REP	99-12-004	434-334-085	AMD	99-08-115	448- 13-040	AMD	99-06-048
434-260-190	AMD-P	99-07-043	434-334-090	AMD-P	99-05-034	448- 13-050	AMD	99-06-048

Table

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
448- 13-060	AMD-E	99-10-018	458- 07-010	NEW-P	99-18-110	458- 20-216	AMD-P	99-04-014
448- 13-060	AMD-XA	99-10-019	458- 07-015	NEW-P	99-18-110	458- 20-216	AMD	99-08-034
448- 13-060	AMD-S	99-17-063	458- 07-020	NEW-P	99-18-110	458- 20-222	AMD-P	99-04-015
448- 13-060	AMD-E	99-17-064	458- 07-025	NEW-P	99-18-110	458- 20-222	AMD	99-08-033
448- 13-065	AMD	99-06-048	458- 07-030	NEW-P	99-18-110	458- 20-225	REP-XR	99-04-019
448- 13-070	AMD	99-06-048	458- 07-035	NEW-P	99-18-110	458- 20-225	REP	99-08-005
448- 13-080	AMD	99-06-048	458- 08	PREP	99-05-069	458- 20-226	AMD-XA	99-04-021
448- 13-140	AMD	99-06-048	458- 12-040	PREP	99-05-069	458- 20-226	AMD	99-09-013
448- 13-170	AMD	99-06-048	458- 12-040	REP-P	99-18-110	458- 20-228	AMD-P	99-10-034
448- 13-180	AMD	99-06-048	458- 12-300	PREP	99-05-069	458- 20-231	AMD	99-02-055
448- 13-210	AMD	99-06-048	458- 12-300	REP-P	99-18-110	458- 20-238	AMD-XA	99-04-020
448- 15-010	NEW	99-06-047	458- 12-301	PREP	99-05-069	458- 20-238	AMD-W	99-17-083
448- 15-020	NEW	99-06-047	458- 12-301	REP-P	99-18-110	458- 20-246	PREP	99-11-041
448- 15-030	NEW	99-06-047	458- 12-305	PREP	99-05-069	458- 20-246	AMD-P	99-17-029
448- 15-040	NEW	99-06-047	458- 12-305	REP-P	99-18-110	458- 20-261	NEW-P	99-04-022
448- 15-050	NEW	99-06-047	458- 12-315	REP-XR	99-04-017	458- 20-261	NEW	99-08-035
448- 15-060	NEW	99-06-047	458- 12-320	REP-XR	99-04-017	458- 20-263	AMD-XA	99-06-028
456- 12-010	REP-P	99-08-091	458- 12-326	PREP	99-05-069	458- 20-263	AMD	99-11-106
456- 12-010	REP	99-13-098	458- 12-326	REP-P	99-18-110	458- 29A-100	NEW-P	99-17-088
456- 12-015	NEW-P	99-08-091	458- 12-327	PREP	99-05-069	458- 29A-200	NEW-P	99-17-088
456- 12-015	NEW	99-13-098	458- 12-327	REP-P	99-18-110	458- 29A-400	NEW-P	99-17-088
456- 12-020	REP-P	99-08-091	458- 12-330	PREP	99-05-069	458- 29A-500	NEW-P	99-17-088
456- 12-020	REP	99-13-098	458- 12-330	REP-P	99-18-110	458- 29A-600	NEW-P	99-17-088
456- 12-025	NEW-P	99-08-091	458- 12-335	PREP	99-05-069	458- 30-360	REP-XR	99-13-016
456- 12-025	NEW	99-13-098	458- 12-335	REP-P	99-18-110	458- 30-360	REP	99-17-042
456- 12-030	REP-P	99-08-091	458- 12-336	PREP	99-05-069	458- 40-660	PREP	99-06-036
456- 12-030	REP	99-13-098	458- 12-336	REP-P	99-18-110	458- 40-660	AMD-P	99-10-039
456- 12-035	NEW-P	99-08-091	458- 12-337	PREP	99-05-069	458- 40-660	AMD	99-14-055
456- 12-035	NEW	99-13-098	458- 12-337	REP-P	99-18-110	458- 40-660	PREP	99-18-070
456- 12-040	REP-P	99-08-091	458- 12-338	PREP	99-05-069	458- 50-010	REP-XR	99-04-031
456- 12-040	REP	99-13-098	458- 12-338	REP-P	99-18-110	458- 50-010	REP	99-08-006
456- 12-045	NEW-P	99-08-091	458- 12-339	PREP	99-05-069	458- 50-050	REP-XR	99-04-031
456- 12-045	NEW	99-13-098	458- 12-339	REP-P	99-18-110	458- 50-050	REP	99-08-006
456- 12-050	REP-P	99-08-091	458- 12-350	REP-P	99-18-110	458- 57	PREP	99-07-133
456- 12-050	REP	99-13-098	458- 16-280	PREP	99-09-085	458- 57-005	NEW-P	99-11-104
456- 12-055	NEW-P	99-08-091	458- 16-280	AMD-P	99-13-017	458- 57-005	NEW	99-15-095
456- 12-055	NEW	99-13-098	458- 16-280	AMD	99-18-008	458- 57-015	NEW-P	99-11-104
456- 12-060	REP-P	99-08-091	458- 16-282	PREP	99-09-085	458- 57-015	NEW	99-15-095
456- 12-060	REP	99-13-098	458- 16-282	AMD-P	99-13-017	458- 57-025	NEW-P	99-11-104
456- 12-065	NEW-P	99-08-091	458- 16-282	AMD	99-18-008	458- 57-025	NEW	99-15-095
456- 12-065	NEW	99-13-098	458- 16-320	AMD-XA	99-07-090	458- 57-035	NEW-P	99-11-104
456- 12-070	REP-P	99-08-091	458- 16-320	AMD	99-13-018	458- 57-035	NEW	99-15-095
456- 12-070	REP	99-13-098	458- 16A-010	AMD	99-04-016	458- 57-045	NEW-P	99-11-104
456- 12-075	NEW-P	99-08-091	458- 18-010	PREP	99-11-105	458- 57-045	NEW	99-15-095
456- 12-075	NEW	99-13-098	458- 18-010	AMD-P	99-18-045	458- 57-510	REP-P	99-11-104
456- 12-080	REP-P	99-08-091	458- 20-119	AMD-XA	99-06-027	458- 57-510	REP	99-15-095
456- 12-080	REP	99-13-098	458- 20-119	AMD	99-11-107	458- 57-520	REP-P	99-11-104
456- 12-085	NEW-P	99-08-091	458- 20-131	AMD-P	99-05-017	458- 57-520	REP	99-15-095
456- 12-085	NEW	99-13-098	458- 20-131	AMD	99-08-090	458- 57-520	REP-P	99-11-104
456- 12-090	REP-P	99-08-091	458- 20-135	AMD-E	99-12-077	458- 57-530	REP	99-15-095
456- 12-090	REP	99-13-098	458- 20-135	PREP	99-12-078	458- 57-540	REP-P	99-11-104
456- 12-095	NEW-P	99-08-091	458- 20-136	AMD-E	99-12-077	458- 57-540	REP	99-15-095
456- 12-095	NEW	99-13-098	458- 20-136	PREP	99-12-078	458- 57-550	REP-P	99-11-104
456- 12-100	REP-P	99-08-091	458- 20-13601	NEW-E	99-12-077	458- 57-550	REP	99-15-095
456- 12-100	REP	99-13-098	458- 20-13601	PREP	99-12-078	458- 57-560	REP-P	99-11-104
456- 12-105	NEW-P	99-08-091	458- 20-157	REP-XR	99-04-019	458- 57-560	REP	99-15-095
456- 12-105	NEW	99-13-098	458- 20-157	REP	99-08-005	458- 57-570	REP-P	99-11-104
456- 12-110	REP-P	99-08-091	458- 20-165	AMD-XA	99-08-032	458- 57-570	REP	99-15-095
456- 12-110	REP	99-13-098	458- 20-165	AMD	99-13-052	458- 57-575	NEW	99-03-010
456- 12-115	NEW-P	99-08-091	458- 20-167	AMD	99-03-005	458- 57-575	REP-P	99-11-104
456- 12-115	NEW	99-13-098	458- 20-192	PREP	99-09-082	458- 57-575	REP	99-15-095
456- 12-120	REP-P	99-08-091	458- 20-195	AMD-XA	99-08-022	458- 57-580	REP-P	99-11-104
456- 12-120	REP	99-13-098	458- 20-195	AMD	99-13-053	458- 57-580	REP	99-15-095
456- 12-130	REP-P	99-08-091	458- 20-206	REP-XR	99-04-019	458- 57-590	REP-P	99-11-104
456- 12-130	REP	99-13-098	458- 20-206	REP	99-08-005	458- 57-590	REP	99-15-095
456- 12-140	REP-P	99-08-091	458- 20-207	AMD-XA	99-08-023	458- 57-600	REP-P	99-11-104
456- 12-140	REP	99-13-098	458- 20-207	AMD	99-13-092	458- 57-600	REP	99-15-095

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
458- 57-610	REP-P	99-11-104	468- 51-140	AMD	99-06-034	478-140-024	AMD	99-12-110
458- 57-610	REP	99-15-095	468- 51-150	AMD	99-06-034	478-140-050	AMD-P	99-08-056
458- 57-620	REP-P	99-11-104	468- 52-020	AMD	99-06-035	478-140-050	AMD	99-12-110
458- 57-620	REP	99-15-095	468- 52-030	AMD	99-06-035	478-140-060	REP-P	99-08-056
458- 57-630	REP-P	99-11-104	468- 52-040	AMD	99-06-035	478-140-060	REP	99-12-110
458- 57-630	REP	99-15-095	468- 52-050	AMD	99-06-035	478-140-070	AMD-P	99-08-056
458- 57-640	REP-P	99-11-104	468- 52-060	AMD	99-06-035	478-140-070	AMD	99-12-110
458- 57-640	REP	99-15-095	468- 52-070	AMD	99-06-035	478-140-080	NEW-P	99-08-056
458- 57-650	REP-P	99-11-104	468- 54	PREP	99-10-029	478-140-080	NEW	99-12-110
458- 57-650	REP	99-15-095	468- 58	PREP	99-10-030	478-210-010	REP	99-06-033
458- 57-660	REP-P	99-11-104	468- 66	PREP	99-17-079	478-210-020	REP	99-06-033
458- 57-660	REP	99-15-095	468- 66-030	AMD-E	99-18-096	479- 16-020	AMD-P	99-03-089
458- 61-090	AMD-P	99-10-033	468- 66-050	AMD-E	99-18-096	479- 16-020	AMD	99-08-021
458- 61-090	AMD	99-14-053	468- 66-070	AMD-E	99-18-096	479- 16-040	AMD-P	99-03-089
458- 65-010	REP-XR	99-10-032	468- 66-110	AMD-E	99-18-096	479- 16-040	AMD	99-08-021
458- 65-010	REP	99-14-056	468- 66-140	AMD-E	99-18-096	479- 16-098	AMD-P	99-03-089
458- 65-020	REP-XR	99-04-018	468-300-010	AMD-P	99-05-035	479- 16-098	AMD	99-08-021
458- 65-020	REP	99-08-007	468-300-010	AMD	99-08-066	479- 20-007	AMD-P	99-03-089
458- 65-030	REP-XR	99-04-018	468-300-020	AMD-P	99-05-035	479- 20-007	AMD	99-08-021
458- 65-030	REP	99-08-007	468-300-020	AMD	99-08-066	479- 20-020	AMD-P	99-03-089
458- 65-040	REP-XR	99-04-018	468-300-040	AMD-P	99-05-035	479- 20-020	AMD	99-08-021
458- 65-040	REP	99-08-007	468-300-040	AMD	99-08-066	479- 20-025	AMD-P	99-03-089
460- 21B-060	AMD-XA	99-07-012	468-300-220	AMD-P	99-05-035	479- 20-025	AMD	99-08-021
460- 21B-060	AMD	99-12-043	468-300-220	AMD	99-08-066	479- 20-037	AMD-P	99-03-089
460- 21B-060	AMD-W	99-14-077	468-300-700	AMD	99-07-059	479- 20-037	AMD	99-08-021
460- 22B-090	AMD-XA	99-07-012	468-310-010	AMD	99-03-025	479-510-410	AMD-P	99-03-088
460- 22B-090	AMD	99-12-043	468-310-020	AMD	99-03-025	479-510-410	AMD	99-08-020
460- 22B-090	AMD-W	99-14-077	468-310-050	AMD	99-03-025	479-510-420	AMD-P	99-03-088
460- 24A	PREP	99-13-196	468-310-060	AMD	99-03-025	479-510-420	AMD	99-08-020
460- 24A-110	NEW	99-03-050	468-310-100	AMD	99-03-025	479-510-450	NEW-P	99-03-088
460- 24A-145	NEW	99-03-052	468-500-001	AMD-XA	99-06-004	479-510-450	NEW	99-08-020
460- 24A-220	AMD	99-03-051	468-500-001	AMD	99-11-007	479-510-460	NEW-P	99-03-088
460- 28A-015	AMD	99-03-053	468-550	PREP	99-11-026	479-510-460	NEW	99-08-020
468- 06-040	AMD-XA	99-02-065	468-550-030	AMD-P	99-15-011	480- 09-005	NEW	99-05-031
468- 06-040	AMD	99-07-013	468-550-030	AMD	99-18-059	480- 09-010	AMD	99-05-031
468- 12	PREP	99-04-042	468-550-040	AMD-P	99-15-011	480- 09-012	AMD	99-05-031
468- 34-010	AMD-W	99-08-082	468-550-040	AMD	99-18-059	480- 09-100	AMD	99-05-031
468- 34-020	AMD-W	99-08-082	468-550-060	AMD-P	99-15-011	480- 09-101	NEW	99-05-031
468- 34-100	AMD-W	99-08-082	468-550-060	AMD	99-18-059	480- 09-115	AMD	99-05-031
468- 34-120	AMD-W	99-08-082	468-550-070	AMD-P	99-15-011	480- 09-120	AMD	99-05-031
468- 34-150	AMD-W	99-08-082	468-550-070	AMD	99-18-059	480- 09-125	AMD	99-05-031
468- 34-330	AMD-W	99-08-082	468-550-080	NEW-P	99-15-011	480- 09-130	AMD	99-05-031
468- 38-110	AMD-P	99-05-006	468-550-080	NEW	99-18-059	480- 09-135	AMD	99-05-031
468- 38-110	AMD	99-08-025	474- 02-010	PREP	99-16-021	480- 09-140	AMD	99-05-031
468- 38-150	REP-XR	99-04-058	474- 10-010	NEW	99-03-004	480- 09-150	AMD	99-05-031
468- 38-150	REP	99-07-098	474- 10-020	NEW	99-03-004	480- 09-200	AMD	99-05-031
468- 38-170	REP-XR	99-04-058	474- 10-030	NEW	99-03-004	480- 09-210	AMD	99-05-031
468- 38-170	REP	99-07-098	474- 10-040	NEW	99-03-004	480- 09-220	AMD	99-05-031
468- 38-210	REP-XR	99-04-058	474- 10-050	NEW	99-03-004	480- 09-230	AMD	99-05-031
468- 38-210	REP	99-07-098	474- 10-060	NEW	99-03-004	480- 09-337	NEW-S	99-12-112
468- 38-290	AMD-E	99-10-004	474- 10-070	NEW	99-03-004	480- 09-340	AMD	99-05-031
468- 38-290	PREP	99-10-020	474- 10-080	NEW	99-03-004	480- 09-390	AMD	99-05-031
468- 38-290	AMD-P	99-14-047	474- 10-090	NEW	99-03-004	480- 09-400	AMD	99-05-031
468- 38-290	AMD	99-18-019	474- 10-100	NEW	99-03-004	480- 09-410	AMD	99-05-031
468- 51-010	AMD	99-06-034	478-140	AMD-P	99-08-056	480- 09-420	AMD	99-05-031
468- 51-020	AMD	99-06-034	478-140	AMD	99-12-110	480- 09-425	AMD	99-05-031
468- 51-030	AMD	99-06-034	478-140-010	AMD-P	99-08-056	480- 09-426	AMD	99-05-031
468- 51-040	AMD	99-06-034	478-140-010	AMD	99-12-110	480- 09-430	AMD	99-05-031
468- 51-060	AMD	99-06-034	478-140-015	AMD-P	99-08-056	480- 09-440	AMD	99-05-031
468- 51-070	AMD	99-06-034	478-140-015	AMD	99-12-110	480- 09-460	AMD	99-05-031
468- 51-080	AMD	99-06-034	478-140-018	AMD-P	99-08-056	480- 09-465	AMD	99-05-031
468- 51-090	AMD	99-06-034	478-140-018	AMD	99-12-110	480- 09-466	AMD	99-05-031
468- 51-100	AMD	99-06-034	478-140-019	NEW-P	99-08-056	480- 09-467	AMD	99-05-031
468- 51-105	NEW	99-06-034	478-140-019	NEW	99-12-110	480- 09-470	AMD	99-05-031
468- 51-110	AMD	99-06-034	478-140-021	AMD-P	99-08-056	480- 09-475	AMD	99-05-031
468- 51-120	AMD	99-06-034	478-140-021	AMD	99-12-110	480- 09-500	AMD	99-05-031
468- 51-130	AMD	99-06-034	478-140-024	AMD-P	99-08-056	480- 09-510	AMD	99-05-031

TABLE



Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-09-600	AMD	99-05-031	480-66-230	NEW-P	99-15-083	480-110-061	REP-S	99-12-112
480-09-610	AMD	99-05-031	480-66-300	NEW-P	99-15-083	480-110-066	REP-W	99-07-053
480-09-620	AMD	99-05-031	480-66-310	NEW-P	99-15-083	480-110-066	REP-S	99-12-112
480-09-700	AMD	99-05-031	480-66-320	NEW-P	99-15-083	480-110-071	REP-W	99-07-053
480-09-705	AMD	99-05-031	480-66-330	NEW-P	99-15-083	480-110-071	REP-S	99-12-112
480-09-710	AMD	99-05-031	480-66-400	NEW-P	99-15-083	480-110-076	REP-W	99-07-053
480-09-720	AMD	99-05-031	480-66-410	NEW-P	99-15-083	480-110-076	REP-S	99-12-112
480-09-730	AMD	99-05-031	480-66-420	NEW-P	99-15-083	480-110-081	REP-W	99-07-053
480-09-735	AMD	99-05-031	480-66-430	NEW-P	99-15-083	480-110-081	REP-S	99-12-112
480-09-736	AMD	99-05-031	480-66-440	NEW-P	99-15-083	480-110-086	REP-W	99-07-053
480-09-740	AMD	99-05-031	480-66-450	NEW-P	99-15-083	480-110-086	REP-S	99-12-112
480-09-745	AMD	99-05-031	480-66-460	NEW-P	99-15-083	480-110-091	REP-W	99-07-053
480-09-750	AMD	99-05-031	480-66-470	NEW-P	99-15-083	480-110-091	REP-S	99-12-112
480-09-751	AMD	99-05-031	480-66-480	NEW-P	99-15-083	480-110-096	REP-W	99-07-053
480-09-760	AMD	99-05-031	480-66-490	NEW-P	99-15-083	480-110-096	REP-S	99-12-112
480-09-770	AMD	99-05-031	480-66-500	NEW-P	99-15-083	480-110-101	REP-W	99-07-053
480-09-780	AMD	99-05-031	480-66-510	NEW-P	99-15-083	480-110-101	REP-S	99-12-112
480-09-800	AMD	99-05-031	480-66-520	NEW-P	99-15-083	480-110-111	REP-W	99-07-053
480-09-810	AMD	99-05-031	480-66-600	NEW-P	99-15-083	480-110-111	REP-S	99-12-112
480-09-815	AMD	99-05-031	480-66-620	NEW-P	99-15-083	480-110-116	REP-W	99-07-053
480-09-820	AMD	99-05-031	480-70	PREP	99-08-012	480-110-116	REP-S	99-12-112
480-09-830	REP	99-05-031	480-70-055	AMD-XA	99-14-079	480-110-121	REP-W	99-07-053
480-12-100	REP-W	99-08-085	480-75-005	AMD-XA	99-14-079	480-110-121	REP-S	99-12-112
480-12-370	RE-AD	99-08-026	480-90	PREP	99-08-052	480-110-126	REP-W	99-07-053
480-12-375	REP	99-08-026	480-92-011	AMD	99-05-016	480-110-126	REP-S	99-12-112
480-12-375	REP-W	99-08-085	480-92-016	NEW	99-05-016	480-110-131	REP-W	99-07-053
480-14-060	AMD-XA	99-14-079	480-92-021	AMD	99-05-016	480-110-131	REP-S	99-12-112
480-15-040	AMD-XA	99-14-079	480-92-031	AMD	99-05-016	480-110-136	REP-W	99-07-053
480-30-015	AMD-XA	99-14-079	480-92-041	NEW	99-05-016	480-110-136	REP-S	99-12-112
480-31-100	AMD-XA	99-14-079	480-92-050	AMD	99-05-016	480-110-141	REP-W	99-07-053
480-31-120	AMD-XA	99-14-079	480-92-060	AMD	99-05-016	480-110-141	REP-S	99-12-112
480-31-130	AMD-XA	99-14-079	480-92-070	AMD	99-05-016	480-110-146	REP-W	99-07-053
480-31-140	AMD-XA	99-14-079	480-92-080	AMD	99-05-016	480-110-146	REP-S	99-12-112
480-40-015	AMD-XA	99-14-079	480-92-090	AMD	99-05-016	480-110-151	REP-W	99-07-053
480-60-010	AMD-P	99-15-083	480-92-100	AMD	99-05-016	480-110-151	REP-S	99-12-112
480-60-012	NEW-P	99-15-083	480-92-110	AMD	99-05-016	480-110-156	REP-W	99-07-053
480-60-014	NEW-P	99-15-083	480-93-010	AMD-XA	99-14-079	480-110-156	REP-S	99-12-112
480-60-020	AMD-P	99-15-083	480-100	PREP	99-08-105	480-110-161	REP-W	99-07-053
480-60-030	AMD-P	99-15-083	480-110-011	REP-W	99-07-053	480-110-161	REP-S	99-12-112
480-60-035	NEW-P	99-15-083	480-110-011	REP-S	99-12-112	480-110-166	REP-W	99-07-053
480-60-040	AMD-P	99-15-083	480-110-016	REP-W	99-07-053	480-110-166	REP-S	99-12-112
480-60-050	AMD-P	99-15-083	480-110-016	REP-S	99-12-112	480-110-171	REP-W	99-07-053
480-60-060	AMD-P	99-15-083	480-110-018	REP-W	99-07-053	480-110-171	REP-S	99-12-112
480-60-070	REP-P	99-15-083	480-110-018	REP-S	99-12-112	480-110-176	REP-W	99-07-053
480-60-080	AMD-P	99-15-083	480-110-021	REP-W	99-07-053	480-110-176	REP-S	99-12-112
480-60-090	AMD-P	99-15-083	480-110-021	REP-S	99-12-112	480-110-205	NEW-S	99-12-112
480-60-99002	REP-P	99-15-083	480-110-023	REP-W	99-07-053	480-110-215	NEW-S	99-12-112
480-60-99003	REP-P	99-15-083	480-110-023	REP-S	99-12-112	480-110-225	NEW-S	99-12-112
480-62	PREP	99-08-053	480-110-026	REP-W	99-07-053	480-110-235	NEW-S	99-12-112
480-62-090	AMD-XA	99-14-079	480-110-026	REP-S	99-12-112	480-110-245	NEW-S	99-12-112
480-66-010	REP-P	99-15-083	480-110-028	REP-W	99-07-053	480-110-255	NEW-S	99-12-112
480-66-020	REP-P	99-15-083	480-110-028	REP-S	99-12-112	480-110-265	NEW-S	99-12-112
480-66-030	REP-P	99-15-083	480-110-031	REP-W	99-07-053	480-110-275	NEW-S	99-12-112
480-66-040	REP-P	99-15-083	480-110-031	REP-S	99-12-112	480-110-285	NEW-S	99-12-112
480-66-050	REP-P	99-15-083	480-110-032	REP-W	99-07-053	480-110-295	NEW-S	99-12-112
480-66-060	REP-P	99-15-083	480-110-032	REP-S	99-12-112	480-110-305	NEW-S	99-12-112
480-66-070	REP-P	99-15-083	480-110-036	REP-W	99-07-053	480-110-315	NEW-S	99-12-112
480-66-100	NEW-P	99-15-083	480-110-036	REP-S	99-12-112	480-110-325	NEW-S	99-12-112
480-66-110	NEW-P	99-15-083	480-110-041	REP-W	99-07-053	480-110-335	NEW-S	99-12-112
480-66-120	NEW-P	99-15-083	480-110-041	REP-S	99-12-112	480-110-345	NEW-S	99-12-112
480-66-140	NEW-P	99-15-083	480-110-046	REP-W	99-07-053	480-110-355	NEW-S	99-12-112
480-66-150	NEW-P	99-15-083	480-110-046	REP-S	99-12-112	480-110-365	NEW-S	99-12-112
480-66-160	NEW-P	99-15-083	480-110-051	REP-W	99-07-053	480-110-375	NEW-S	99-12-112
480-66-170	NEW-P	99-15-083	480-110-051	REP-S	99-12-112	480-110-385	NEW-S	99-12-112
480-66-200	NEW-P	99-15-083	480-110-056	REP-W	99-07-053	480-110-395	NEW-S	99-12-112
480-66-210	NEW-P	99-15-083	480-110-056	REP-S	99-12-112	480-110-405	NEW-S	99-12-112
480-66-220	NEW-P	99-15-083	480-110-061	REP-W	99-07-053	480-110-415	NEW-S	99-12-112

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-110-425	NEW-S	99-12-112	480-121-080	NEW-P	99-07-106	480-140-050	REP-P	99-17-044
480-110-435	NEW-S	99-12-112	480-121-090	NEW-P	99-07-106	480-140-060	REP-P	99-17-044
480-110-445	NEW-S	99-12-112	480-121-100	NEW-P	99-07-106	480-140-070	REP-P	99-17-044
480-110-455	NEW-S	99-12-112	480-123-015	NEW-W	99-13-095	480-140-080	AMD-P	99-17-044
480-110-465	NEW-S	99-12-112	480-123-020	NEW-W	99-13-095	480-140-090	REP-P	99-17-044
480-110-475	NEW-S	99-12-112	480-123-030	NEW-W	99-13-095	480-140-100	REP-P	99-17-044
480-110-485	NEW-S	99-12-112	480-123-040	NEW-W	99-13-095	480-140-110	REP-P	99-17-044
480-110-495	NEW-S	99-12-112	480-123-050	NEW-W	99-13-095	480-140-120	REP-P	99-17-044
480-110-500	NEW-W	99-07-053	480-123-060	NEW-W	99-13-095	480-140-130	REP-P	99-17-044
480-110-510	NEW-W	99-07-053	480-123-070	NEW-W	99-13-095	480-140-140	REP-P	99-17-044
480-110-520	NEW-W	99-07-053	480-123-080	NEW-W	99-13-095	480-140-150	REP-P	99-17-044
480-110-530	NEW-W	99-07-053	480-123-085	NEW-W	99-13-095	480-140-160	REP-P	99-17-044
480-110-540	NEW-W	99-07-053	480-123-090	NEW-W	99-13-095	480-140-170	REP-P	99-17-044
480-110-550	NEW-W	99-07-053	480-123-100	NEW-W	99-13-095	480-143-010	REP-P	99-03-074
480-110-560	NEW-W	99-07-053	480-123-110	NEW-W	99-13-095	480-143-010	REP	99-08-055
480-110-570	NEW-W	99-07-053	480-123-120	NEW-W	99-13-095	480-143-020	REP-P	99-03-074
480-110-580	NEW-W	99-07-053	480-123-130	NEW-W	99-13-095	480-143-020	REP	99-08-055
480-110-590	NEW-W	99-07-053	480-123-140	NEW-W	99-13-095	480-143-030	REP-P	99-03-074
480-110-600	NEW-W	99-07-053	480-123-150	NEW-W	99-13-095	480-143-030	REP	99-08-055
480-110-610	NEW-W	99-07-053	480-123-160	NEW-W	99-13-095	480-143-040	REP-P	99-03-074
480-110-620	NEW-W	99-07-053	480-123-170	NEW-W	99-13-095	480-143-040	REP	99-08-055
480-110-630	NEW-W	99-07-053	480-123-180	NEW-W	99-13-095	480-143-050	REP-P	99-03-074
480-110-640	NEW-W	99-07-053	480-123-190	NEW-W	99-13-095	480-143-050	REP	99-08-055
480-110-650	NEW-W	99-07-053	480-123-200	NEW-W	99-13-095	480-143-060	REP-P	99-03-074
480-110-660	NEW-W	99-07-053	480-123-210	NEW-W	99-13-095	480-143-060	REP	99-08-055
480-110-670	NEW-W	99-07-053	480-123-220	NEW-W	99-13-095	480-143-070	REP-P	99-03-074
480-110-680	NEW-W	99-07-053	480-123-230	NEW-W	99-13-095	480-143-070	REP	99-08-055
480-110-690	NEW-W	99-07-053	480-123-240	NEW-W	99-13-095	480-143-080	REP-P	99-03-074
480-110-700	NEW-W	99-07-053	480-123-250	NEW-W	99-13-095	480-143-080	REP	99-08-055
480-110-710	NEW-W	99-07-053	480-123-260	NEW-W	99-13-095	480-143-100	NEW-P	99-03-074
480-110-720	NEW-W	99-07-053	480-123-270	NEW-W	99-13-095	480-143-100	NEW	99-08-055
480-110-730	NEW-W	99-07-053	480-123-280	NEW-W	99-13-095	480-143-110	NEW-P	99-03-074
480-110-740	NEW-W	99-07-053	480-123-290	NEW-W	99-13-095	480-143-110	NEW	99-08-055
480-110-750	NEW-W	99-07-053	480-123-300	NEW-W	99-13-095	480-143-120	NEW-P	99-03-074
480-110-760	NEW-W	99-07-053	480-123-310	NEW-W	99-13-095	480-143-120	NEW	99-08-055
480-110-770	NEW-W	99-07-053	480-123-320	NEW-W	99-13-095	480-143-130	NEW-P	99-03-074
480-110-780	NEW-W	99-07-053	480-123-330	NEW-W	99-13-095	480-143-130	NEW	99-08-055
480-110-790	NEW-W	99-07-053	480-123-340	NEW-W	99-13-095	480-143-140	NEW-P	99-03-074
480-120	PREP	99-09-027	480-123-350	NEW-W	99-13-095	480-143-140	NEW	99-08-055
480-120-052	NEW	99-10-013	480-123-360	NEW-W	99-13-095	480-143-150	NEW-P	99-03-074
480-120-058	NEW	99-10-013	480-123-370	NEW-W	99-13-095	480-143-150	NEW	99-08-055
480-120-139	AMD-P	99-07-107	480-123-380	NEW-W	99-13-095	480-143-160	NEW-P	99-03-074
480-120-139	AMD	99-11-070	480-123-390	NEW-W	99-13-095	480-143-160	NEW	99-08-055
480-120-144	NEW	99-05-015	480-123-400	NEW-W	99-13-095	480-143-170	NEW-P	99-03-074
480-120-151	NEW	99-05-015	480-123-410	NEW-W	99-13-095	480-143-170	NEW	99-08-055
480-120-152	NEW	99-05-015	480-123-420	NEW-W	99-13-095	480-143-180	NEW-P	99-03-074
480-120-153	NEW	99-05-015	480-123-430	NEW-W	99-13-095	480-143-180	NEW	99-08-055
480-120-154	NEW	99-05-015	480-123-440	NEW-W	99-13-095	480-143-190	NEW-P	99-03-074
480-121	AMD-P	99-07-106	480-123-450	NEW-W	99-13-095	480-143-190	NEW	99-08-055
480-121	AMD	99-13-097	480-123-460	NEW-W	99-13-095	480-143-200	NEW-P	99-03-074
480-121-010	AMD-P	99-07-106	480-123-470	NEW-W	99-13-095	480-143-200	NEW	99-08-055
480-121-010	AMD	99-13-097	480-123-480	NEW-W	99-13-095	480-143-210	NEW-P	99-03-074
480-121-015	NEW	99-13-097	480-123-490	NEW-W	99-13-095	480-143-210	NEW	99-08-055
480-121-020	AMD-P	99-07-106	480-123-500	NEW-W	99-13-095	480-143-990	REP-P	99-03-074
480-121-020	AMD	99-13-097	480-123-510	NEW-W	99-13-095	480-143-990	REP	99-08-055
480-121-023	NEW	99-13-097	480-123-520	NEW-W	99-13-095	480-146-010	REP-P	99-03-073
480-121-026	NEW	99-13-097	480-123-530	NEW-W	99-13-095	480-146-010	REP	99-08-054
480-121-030	AMD-P	99-07-106	480-123-540	NEW-W	99-13-095	480-146-020	REP-P	99-03-073
480-121-030	AMD	99-13-097	480-123-550	NEW-W	99-13-095	480-146-020	REP	99-08-054
480-121-040	AMD-P	99-07-106	480-123-560	NEW-W	99-13-095	480-146-030	REP-P	99-03-073
480-121-040	AMD	99-13-097	480-123-570	NEW-W	99-13-095	480-146-030	REP	99-08-054
480-121-050	REP-P	99-07-106	480-140	PREP	99-09-028	480-146-040	REP-P	99-03-073
480-121-050	AMD	99-13-097	480-140-010	AMD-P	99-17-044	480-146-040	REP	99-08-054
480-121-060	NEW-P	99-07-106	480-140-015	NEW-P	99-17-044	480-146-050	REP-P	99-03-073
480-121-060	NEW	99-13-097	480-140-020	AMD-P	99-17-044	480-146-050	REP	99-08-054
480-121-070	NEW-P	99-07-106	480-140-030	AMD-P	99-17-044	480-146-060	REP-P	99-03-073
480-121-070	NEW	99-13-097	480-140-040	AMD-P	99-17-044	480-146-060	REP	99-08-054

TABLE

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-146-070	REP-P	99-03-073	490-500-050	REP-P	99-12-030	490-500-418	REP	99-18-053
480-146-070	REP	99-08-054	490-500-050	REP	99-18-053	490-500-420	PREP	99-06-081
480-146-080	REP-P	99-03-073	490-500-055	PREP	99-06-081	490-500-420	REP-P	99-12-030
480-146-080	REP	99-08-054	490-500-055	REP-P	99-12-030	490-500-420	REP	99-18-053
480-146-090	REP-P	99-03-073	490-500-055	REP	99-18-053	490-500-430	PREP	99-06-081
480-146-090	REP	99-08-054	490-500-065	PREP	99-06-081	490-500-430	REP-P	99-12-030
480-146-091	REP-P	99-03-073	490-500-065	REP-P	99-12-030	490-500-430	REP	99-18-053
480-146-091	REP	99-08-054	490-500-065	REP	99-18-053	490-500-435	PREP	99-06-081
480-146-095	REP-P	99-03-073	490-500-070	PREP	99-06-081	490-500-435	REP-P	99-12-030
480-146-095	REP	99-08-054	490-500-070	REP-P	99-12-030	490-500-435	REP	99-18-053
480-146-200	REP-P	99-03-073	490-500-070	REP	99-18-053	490-500-437	PREP	99-06-081
480-146-200	REP	99-08-054	490-500-080	PREP	99-06-081	490-500-437	REP-P	99-12-030
480-146-210	REP-P	99-03-073	490-500-080	REP-P	99-12-030	490-500-437	REP	99-18-053
480-146-210	REP	99-08-054	490-500-080	REP	99-18-053	490-500-445	PREP	99-06-081
480-146-220	REP-P	99-03-073	490-500-170	PREP	99-06-081	490-500-445	REP-P	99-12-030
480-146-220	REP	99-08-054	490-500-170	REP-P	99-12-030	490-500-445	REP	99-18-053
480-146-230	REP-P	99-03-073	490-500-170	REP	99-18-053	490-500-450	PREP	99-06-081
480-146-230	REP	99-08-054	490-500-180	PREP	99-06-081	490-500-450	REP-P	99-12-030
480-146-240	NEW-P	99-03-073	490-500-180	REP-P	99-12-030	490-500-450	REP	99-18-053
480-146-240	NEW	99-08-054	490-500-180	REP	99-18-053	490-500-455	PREP	99-06-081
480-146-250	NEW-P	99-03-073	490-500-185	PREP	99-06-081	490-500-455	REP-P	99-12-030
480-146-250	NEW	99-08-054	490-500-185	REP-P	99-12-030	490-500-455	REP	99-18-053
480-146-260	NEW-P	99-03-073	490-500-185	REP	99-18-053	490-500-460	PREP	99-06-081
480-146-260	NEW	99-08-054	490-500-190	PREP	99-06-081	490-500-460	REP-P	99-12-030
480-146-270	NEW-P	99-03-073	490-500-190	REP-P	99-12-030	490-500-460	REP	99-18-053
480-146-270	NEW	99-08-054	490-500-190	REP	99-18-053	490-500-465	PREP	99-06-081
480-146-280	NEW-P	99-03-073	490-500-200	PREP	99-06-081	490-500-465	REP-P	99-12-030
480-146-280	NEW	99-08-054	490-500-200	REP-P	99-12-030	490-500-465	REP	99-18-053
480-146-290	NEW-P	99-03-073	490-500-200	REP	99-18-053	490-500-470	PREP	99-06-081
480-146-290	NEW	99-08-054	490-500-205	PREP	99-06-081	490-500-470	REP-P	99-12-030
480-146-300	NEW-P	99-03-073	490-500-205	REP-P	99-12-030	490-500-470	REP	99-18-053
480-146-300	NEW	99-08-054	490-500-205	REP	99-18-053	490-500-475	PREP	99-06-081
480-146-310	NEW-P	99-03-073	490-500-257	PREP	99-06-081	490-500-475	REP-P	99-12-030
480-146-310	NEW	99-08-054	490-500-257	REP-P	99-12-030	490-500-475	REP	99-18-053
480-146-320	NEW-P	99-03-073	490-500-257	REP	99-18-053	490-500-477	PREP	99-06-081
480-146-320	NEW	99-08-054	490-500-260	PREP	99-06-081	490-500-477	REP-P	99-12-030
480-146-330	NEW-P	99-03-073	490-500-260	REP-P	99-12-030	490-500-477	REP	99-18-053
480-146-330	NEW	99-08-054	490-500-260	REP	99-18-053	490-500-480	PREP	99-06-081
480-146-340	NEW-P	99-03-073	490-500-270	PREP	99-06-081	490-500-480	REP-P	99-12-030
480-146-340	NEW	99-08-054	490-500-270	REP-P	99-12-030	490-500-480	REP	99-18-053
480-146-350	NEW-P	99-03-073	490-500-270	REP	99-18-053	490-500-485	PREP	99-06-081
480-146-350	NEW	99-08-054	490-500-275	PREP	99-06-081	490-500-485	REP-P	99-12-030
480-146-360	NEW-P	99-03-073	490-500-275	REP-P	99-12-030	490-500-485	REP	99-18-053
480-146-360	NEW	99-08-054	490-500-275	REP	99-18-053	490-500-500	PREP	99-06-081
480-146-370	NEW-P	99-03-073	490-500-300	PREP	99-06-081	490-500-500	REP-P	99-12-030
480-146-370	NEW	99-08-054	490-500-300	REP-P	99-12-030	490-500-500	REP	99-18-053
480-146-380	NEW-P	99-03-073	490-500-300	REP	99-18-053	490-500-505	PREP	99-06-081
480-146-380	NEW	99-08-054	490-500-325	PREP	99-06-081	490-500-505	REP-P	99-12-030
490-500-005	PREP	99-06-081	490-500-325	REP-P	99-12-030	490-500-505	REP	99-18-053
490-500-005	REP-P	99-12-030	490-500-325	REP	99-18-053	490-500-510	PREP	99-06-081
490-500-005	REP	99-18-053	490-500-350	PREP	99-06-081	490-500-510	REP-P	99-12-030
490-500-010	PREP	99-06-081	490-500-350	REP-P	99-12-030	490-500-510	REP	99-18-053
490-500-010	REP-P	99-12-030	490-500-350	REP	99-18-053	490-500-525	PREP	99-06-081
490-500-010	REP	99-18-053	490-500-380	PREP	99-06-081	490-500-525	REP-P	99-12-030
490-500-015	PREP	99-06-081	490-500-380	REP-P	99-12-030	490-500-525	REP	99-18-053
490-500-015	REP-P	99-12-030	490-500-380	REP	99-18-053	490-500-530	PREP	99-06-081
490-500-015	REP	99-18-053	490-500-385	PREP	99-06-081	490-500-530	REP-P	99-12-030
490-500-022	PREP	99-06-081	490-500-385	REP-P	99-12-030	490-500-530	REP	99-18-053
490-500-022	REP-P	99-12-030	490-500-385	REP	99-18-053	490-500-542	PREP	99-06-081
490-500-022	REP	99-18-053	490-500-389	PREP	99-06-081	490-500-542	REP-P	99-12-030
490-500-025	PREP	99-06-081	490-500-389	REP-P	99-12-030	490-500-542	REP	99-18-053
490-500-025	REP-P	99-12-030	490-500-389	REP	99-18-053	490-500-545	PREP	99-06-081
490-500-025	REP	99-18-053	490-500-390	PREP	99-06-081	490-500-545	REP-P	99-12-030
490-500-030	PREP	99-06-081	490-500-390	REP-P	99-12-030	490-500-545	REP	99-18-053
490-500-030	REP-P	99-12-030	490-500-390	REP	99-18-053	490-500-555	PREP	99-06-081
490-500-030	REP	99-18-053	490-500-418	PREP	99-06-081	490-500-555	REP-P	99-12-030
490-500-050	PREP	99-06-081	490-500-418	REP-P	99-12-030	490-500-555	REP	99-18-053

**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
490-500-560	PREP	99-06-081						
490-500-560	REP-P	99-12-030						
490-500-560	REP	99-18-053						
490-500-580	PREP	99-06-081						
490-500-580	REP-P	99-12-030						
490-500-580	REP	99-18-053						
490-500-590	PREP	99-06-081						
490-500-590	REP-P	99-12-030						
490-500-590	REP	99-18-053						
490-500-600	PREP	99-06-081						
490-500-600	REP-P	99-12-030						
490-500-600	REP	99-18-053						
490-500-605	PREP	99-06-081						
490-500-605	REP-P	99-12-030						
490-500-605	REP	99-18-053						
490-500-615	PREP	99-06-081						
490-500-615	REP-P	99-12-030						
490-500-615	REP	99-18-053						
490-500-620	PREP	99-06-081						
490-500-620	REP-P	99-12-030						
490-500-620	REP	99-18-053						
490-500-622	PREP	99-06-081						
490-500-622	REP-P	99-12-030						
490-500-622	REP	99-18-053						
490-500-625	PREP	99-06-081						
490-500-625	REP-P	99-12-030						
490-500-625	REP	99-18-053						
490-500-627	PREP	99-06-081						
490-500-627	REP-P	99-12-030						
490-500-627	REP	99-18-053						
490-500-630	PREP	99-06-081						
490-500-630	REP-P	99-12-030						
490-500-630	REP	99-18-053						
490-500-635	PREP	99-06-081						
490-500-635	REP-P	99-12-030						
490-500-635	REP	99-18-053						
491- 02	PREP	99-13-170						
491- 02-095	AMD-P	99-18-021						
495D-120-040	PREP	99-15-006						
495D-120-040	AMD-E	99-15-009						
495D-135-040	PREP	99-15-007						
495D-135-040	AMD-E	99-15-008						
516- 13-090	AMD-P	99-03-011						
516- 13-090	AMD-E	99-03-012						
516- 13-090	AMD	99-07-089						
516- 15-050	AMD-P	99-03-011						
516- 15-050	AMD-E	99-03-012						
516- 15-050	AMD	99-07-089						
516-133	PREP	99-08-044						

**TABLE**

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

### ACCOUNTANCY, BOARD OF

Certificates and licenses applications  
 continuing education  
 experience requirement  
 professional education  
 reasonable cause exemption  
 reciprocity  
 reinstatement  
 renewal and fee cycle  
 Confidential information  
 Fees  
 Hearings  
 Meetings

PROP 99-13-063  
**PERM 99-18-115**  
 PREP 99-05-027  
 PROP 99-13-071  
 PROP 99-13-073  
 PROP 99-13-077  
 PROP 99-13-078  
 PROP 99-13-062  
**PERM 99-18-113**  
 PROP 99-13-072  
 PROP 99-13-074  
 PROP 99-13-068  
**PERM 99-18-121**  
 PREP 99-05-027  
 PROP 99-13-064  
 PROP 99-13-066  
**PERM 99-18-116**  
**PERM 99-18-119**  
 PROP 99-13-069  
 PROP 99-13-070  
 PROP 99-13-076  
**PERM 99-18-118**  
**PERM 99-18-122**  
**PERM 99-18-123**  
 PREP 99-05-025  
 PREP 99-05-026  
 PROP 99-13-061  
 PROP 99-13-065  
 PROP 99-13-067  
 PROP 99-13-075  
**PERM 99-18-112**  
**PERM 99-18-114**  
**PERM 99-18-117**  
**PERM 99-18-120**  
 PERM 99-02-008  
 PERM 99-02-009  
 PERM 99-02-008  
 PREP 99-01-005  
 MISC 99-02-007  
 PROP 99-13-060  
**PERM 99-18-111**

### ADMINISTRATIVE HEARINGS, OFFICE OF

Model rules of procedure  
 Public records, availability  
 Rules agenda  
 SEPA compliance

PREP 99-13-188  
 PROP 99-17-107  
 PREP 99-13-188  
 PROP 99-17-107  
 MISC 99-13-189  
 PREP 99-13-188  
 PROP 99-17-107

### AGRICULTURE, DEPARTMENT OF

Alfalfa seed commission meetings  
 Animal health  
 brucellosis vaccine  
 importation  
 scrapie control  
 tuberculosis in cervidae  
 Aquatic weeds  
 quarantine list  
 Asparagus commission meetings  
 Barley commission meetings  
 Beef commission meetings  
 Blueberry commission meetings

MISC 99-01-037  
 PROP 99-03-084  
 PROP 99-03-087  
 EXAD 99-07-115  
 PERM 99-09-023  
 PERM 99-09-025  
 PROP 99-03-084  
 PROP 99-03-086  
 PERM 99-09-026  
 PERM 99-14-032  
 EXRE 99-07-114  
 PERM 99-14-031  
 PREP 99-17-105  
 MISC 99-01-109  
 MISC 99-02-010  
 MISC 99-02-042  
 MISC 99-09-031  
 MISC 99-10-053  
 MISC 99-13-128  
 MISC 99-04-009  
 MISC 99-07-047

Brands  
 permanent renewal  
 Bulb commission meetings  
 Cattle  
 brands  
 feedlots  
 brucellosis vaccine  
 Chemicals  
 picloran  
 Cranberry commission meetings  
 Eggs and egg products  
 Farmed salmon commission meetings  
 Feed, commercial  
 definitions  
 labeling  
 Fertilizers  
 application rates for commercial fertilizers  
 metals analysis methods  
 storage and containment  
 Field pea and chick pea standards  
 Food processing operations  
 Food safety  
 frozen dessert processing  
 pull date labeling  
 raw fruit juice product labeling  
 Food storage warehouses  
 licensing  
 sanitation consultants  
 Frozen dessert processing  
 Fruits and vegetables  
 apple standards  
 apricot standards  
 grapevines  
 registration and certification  
 inspections  
 onion, cantaloupe, rhubarb, and tomato standards  
 peach standards  
 inspection rule retained  
 pear standards  
 potato grade standards  
 raw fruit juice product labeling  
 Fryer commission meetings  
 Grain  
 inspection fee schedule  
 Herbicides  
 restricted use  
 Hop board  
 meetings  
 membership qualifications

PREP 99-07-084  
 MISC 99-01-017  
 PREP 99-07-084  
 EXAD 99-07-115  
 PERM 99-14-032  
 PREP 99-07-087  
 MISC 99-04-010  
 PREP 99-03-045  
 PROP 99-07-118  
 PERM 99-12-076  
 MISC 99-17-032  
 MISC 99-05-008  
 PROP 99-13-164  
 PERM 99-17-043  
 PREP 99-12-101  
 PROP 99-01-048  
 PERM 99-02-035  
 PROP 99-04-093  
 PERM 99-08-037  
 PROP 99-01-048  
 PERM 99-02-035  
 PREP 99-11-059  
 PREP 99-04-096  
 PROP 99-08-088  
 PERM 99-13-001  
 PREP 99-13-182  
 PREP 99-12-123  
 PREP 99-04-067  
 PROP 99-09-095  
 PERM 99-13-048  
 PROP 99-07-117  
 PERM 99-12-020  
 PREP 99-13-179  
 PREP 99-13-181  
 PREP 99-12-123  
 PREP 99-03-108  
 PROP 99-11-096  
 PERM 99-14-036  
 PREP 99-04-094  
 PROP 99-08-108  
 PERM 99-17-003  
 PREP 99-03-094  
 EXAD 99-07-127  
 PERM 99-12-025  
 PREP 99-03-108  
 PROP 99-11-096  
 EXRE 99-08-112  
 PERM 99-17-001  
 PREP 99-08-111  
 PREP 99-13-187  
 PROP 99-17-078  
 PREP 99-08-110  
 PROP 99-07-117  
 PERM 99-12-020  
 MISC 99-01-123  
 PREP 99-07-132  
 PROP 99-11-095  
 PERM 99-15-082  
 PREP 99-13-162  
 MISC 99-02-006  
 PROP 99-02-063  
 PERM 99-10-095

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Hops					
bales and tares	PROP	99-02-066	Popcorn		
	PERM	99-06-072	butter or other product use, labeling	PREP	99-13-177
certification and fee schedule	PREP	99-17-106	Potato commission		
Horticulture inspection district boundaries			meetings	MISC	99-02-013
reference to word horticultural changed to			Poultry		
fruits and vegetables	EXAD	99-08-113	importation	PROP	99-03-085
	PERM	99-17-002		PERM	99-09-024
Integrated pest management, interagency			Quarantine		
coordinating committee meetings	MISC	99-07-017	apple maggot	PREP	99-03-092
Iron supplements			grape virus	PREP	99-03-091
childproof caps	PREP	99-13-178	yellow nutsedge	PREP	99-07-123
	PREP	99-16-089	Red raspberry commission		
Livestock			grades and packs, standards	PREP	99-01-180
brands	PREP	99-07-084		PROP	99-07-108
	PROP	99-16-100		PROP	99-11-024
humane slaughter	PREP	99-13-180		PROP	99-12-013
identification program	PERM	99-04-069	meetings	PROP	99-13-142
Meat			Rules agenda	MISC	99-01-176
custom slaughter and facilities	PROP	99-07-116		MISC	99-04-107
	PERM	99-12-021		MISC	99-07-129
	EXRE	99-12-122		MISC	<b>99-18-001</b>
	PERM	99-16-086	Seeds		
inspection of meat and poultry	EXRE	99-16-087	certification fees	PREP	99-04-095
Milk and milk products				PREP	99-04-096
assessments and fees	PREP	99-16-088		PROP	99-13-184
bulk milk tanks and tankers	PREP	99-04-066		PROP	99-13-185
	PROP	99-14-072	Strawberry commission		
	PERM	<b>99-18-032</b>	meetings	MISC	99-01-072
butter or other product used on popcorn, labeling	PREP	99-13-177	Technical assistance		
Hobart testing	EXRE	<b>99-18-031</b>	lists of organizations	PROP	99-05-022
processing plants, sanitary certificates	PREP	99-12-124		PERM	99-08-039
substandard products	EXRE	99-13-176	Tuberculosis in cervidae	EXRE	99-07-114
	PERM	<b>99-18-030</b>		PERM	99-14-031
testers, weighers, samplers, and graders	EXRE	99-13-175	Turfgrass seed commission		
Mint			creation	PERM	99-02-064
rootstock certification	PREP	99-03-093	Weights and measures		
Mint commission			national standards adopted	PROP	99-04-111
meetings	MISC	99-01-036		PERM	99-07-056
Noxious weed control board			Wheat commission		
aquatic weed list	PREP	99-17-105	meetings	MISC	99-06-009
meetings	MISC	99-04-035	Wine commission		
noxious weed grant program	EXRE	99-07-124	assessments		
	PERM	99-11-087	rates increased	PREP	99-02-062
				PROP	99-06-070
noxious weed list				PERM	99-12-104
monetary penalties	PREP	99-13-039	meetings	MISC	99-01-046
quarantine list	PREP	99-17-104		MISC	99-01-074
yellow nutsedge	PREP	99-07-123			
Nurseries					
inspection fees	PREP	99-03-095	<b>AIR POLLUTION</b>		
	PROP	99-07-126	(See <b>ECOLOGY, DEPARTMENT OF</b> ; individual air		
	PERM	99-12-034	pollution control authorities)		
	EXRE	<b>99-18-098</b>			
Organic food			<b>ALCOHOL BEVERAGES</b>		
brand name materials, registration	PROP	99-13-195	(See <b>LIQUOR CONTROL BOARD</b> )		
	PERM	99-16-054			
storage	PREP	99-12-003	<b>ARCHITECTS</b>		
Pesticide registration, commission on			(See <b>LICENSING, DEPARTMENT OF</b> )		
meetings	MISC	99-08-042			
Pesticides			<b>ARTS COMMISSION</b>		
chemigation and fertigation	EXAD	99-15-033	Meetings	MISC	99-13-169
desiccants and defoliant	PREP	99-13-163			
ethyl parathion	PREP	99-07-111	<b>ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON</b>		
ethylene dibromide (EDB) tolerances	EXRE	99-04-007	Meetings	MISC	99-01-018
	PERM	99-07-112			
heptachlor treated grain seed	EXRE	99-04-006	<b>ATHLETICS</b>		
	PERM	99-07-113	(See <b>LICENSING, DEPARTMENT OF</b> )		
	PREP	99-11-058			
penalties for violations	PREP	99-07-086	<b>ATTORNEY GENERAL'S OFFICE</b>		
phosdrin	PREP	99-02-021	Lemon Law	PREP	99-15-079
protection of pollinating insects	PREP	99-02-021	Notice of request for opinion	MISC	99-01-152
revisions for clarification	EXAD	99-15-033		MISC	99-02-003
storage and containment	PREP	99-11-057		MISC	99-08-027
violations, rights of persons aggrieved by	PREP	99-11-056		MISC	99-13-057
wood destroying organisms	EXAD	99-15-033		MISC	99-13-171
ziram	PREP	99-07-088		MISC	99-16-105
Plant pests			Opinions		
detection, testing and inspection fees	PREP	99-03-096	candidate disqualification (1999, No. 5)	MISC	99-17-017
	PROP	99-07-125	city council member compensation (1999, No. 1)	MISC	99-06-012
	PERM	99-12-035	common school fund, investment (1999, No. 3)	MISC	99-14-003
	EXRE	<b>99-18-097</b>	county meetings, authority to ban video or sound		
	EXAD	<b>99-18-104</b>	recordings (1998, No. 15)	MISC	99-01-107
grape phylloxera	PREP	99-03-090	gambling commission authority (1999, No. 7)	MISC	99-17-019

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

judicial conduct, commission on, operating procedures (1999, No. 4)	MISC	99-14-004		
law enforcement and fire fighter personnel, minimum age (1999, No. 6)	MISC	99-17-018		
military leave for public employees (1999, No. 2)	MISC	99-06-013		
public utility districts, authority (1998, No. 14)	MISC	99-01-106		
<b>BASIC HEALTH PLAN</b> (See <b>HEALTH CARE AUTHORITY</b> )				
<b>BATES TECHNICAL COLLEGE</b>				
Meetings	MISC	99-07-092		
	MISC	<b>99-18-075</b>		
<b>BELLEVUE COMMUNITY COLLEGE</b>				
Meetings	MISC	99-01-042		
Public records, access	PROP	99-05-018		
	PERM	99-10-045		
<b>BELLINGHAM TECHNICAL COLLEGE</b>				
Meetings	MISC	99-01-002		
	MISC	99-01-108		
	MISC	99-02-068		
	MISC	99-05-007		
	MISC	99-07-002		
	MISC	99-08-018		
	MISC	99-11-012		
	MISC	99-13-005		
	MISC	99-14-005		
	MISC	99-17-022		
	MISC	<b>99-18-025</b>		
<b>BENTON COUNTY CLEAN AIR AUTHORITY</b>				
Meetings	MISC	99-07-046		
<b>BIG BEND COMMUNITY COLLEGE</b>				
Meetings	MISC	<b>99-18-050</b>		
<b>BLIND, DEPARTMENT OF SERVICES FOR THE</b>				
Client services, eligibility	PROP	99-01-022		
	PERM	99-05-005		
<b>BOILER RULES, BOARD OF</b> (See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )				
<b>BUILDING CODE COUNCIL</b>				
Building code allowable shear tables	EMER	99-05-030		
<b>CAPITOL CAMPUS</b> (See <b>GENERAL ADMINISTRATION, DEPARTMENT OF</b> )				
<b>CASCADIA COMMUNITY COLLEGE</b>				
Meetings	MISC	99-01-047		
	MISC	99-03-071		
<b>CEMETERY BOARD</b> (See <b>LICENSING, DEPARTMENT OF</b> )				
<b>CENTRAL WASHINGTON UNIVERSITY</b>				
Meetings	MISC	99-15-089		
<b>CENTRALIA COLLEGE</b>				
Meetings	MISC	99-01-071		
	MISC	<b>99-18-007</b>		
<b>CHILD SUPPORT</b> (See <b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b> )				
<b>CHILDREN'S SERVICES</b> (See <b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b> )				
<b>CLARK COLLEGE</b>				
Administration practices	PREP	99-06-011		
	PROP	99-10-044		
	PERM	99-15-017		
Meetings	MISC	99-01-128		
<b>CLARKSTON, PORT OF</b>				
Meetings	MISC	99-01-081		
<b>CLEMENCY AND PARDONS BOARD</b> (See <b>GOVERNOR, OFFICE OF THE</b> )				
<b>CODE REVISER'S OFFICE</b>				
Quarterly reports				
98-19 - 98-24	See Issue	99-02		
99-01 - 99-06	See Issue	99-08		
99-07 - 99-12	See Issue	99-14		
<b>COLLEGES AND UNIVERSITIES</b> (See <b>HIGHER EDUCATION COORDINATING BOARD</b> ; Names of individual institutions)				
<b>COLUMBIA BASIN COLLEGE</b>				
Meetings	MISC	99-01-056		
	MISC	99-17-103		
<b>COLUMBIA RIVER GORGE COMMISSION</b>				
Urban area boundary revisions and proposed plan amendments	PROP	99-05-057		
	PERM	99-09-041		
<b>COMBINED FUND DRIVE</b> (See <b>PERSONNEL, DEPARTMENT OF</b> )				
<b>COMMODITY COMMISSIONS</b> (See <b>AGRICULTURE, DEPARTMENT OF</b> )				
<b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>				
Bond cap allocation program	PREP	99-15-010		
Bond users clearinghouse	PREP	99-08-059		
Building permit fee	PERM	99-01-089		
Community economic revitalization board meetings	MISC	99-04-041		
	MISC	99-09-002		
	MISC	<b>99-18-108</b>		
	MISC	99-15-049		
Community services block grant				
Early childhood education and assistance programs funding	PREP	99-10-067		
	EXAD	99-15-029		
	PROP	99-15-106		
	PREP	99-07-005		
	EXAD	99-16-099		
	PREP	99-06-025		
	PROP	99-10-114		
	PERM	99-15-062		
Electric load curtailment				
Emergency food assistance program	PREP	99-06-025		
	PROP	99-10-114		
	PERM	99-15-062		
Historic registers application process	PROP	99-03-098		
	PROP	99-16-074		
Homeless families with children funding	EMER	99-16-025		
Industrial development	PREP	99-08-060		
Long-term care ombudsman program	PROP	99-04-072		
	PROP	99-17-084		
	<b>PROP</b>	<b>99-18-105</b>		
	MISC	99-10-113		
Low-income home energy assistance program				
Public works board financial assistance, standards meetings	PROP	99-05-062		
	MISC	99-01-091		
	MISC	99-06-018		
	MISC	99-06-019		
	MISC	99-15-005		
public health need and substantial environmental degradation definitions	PERM	99-09-020		
Rules coordinator	MISC	99-10-009		
<b>COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR</b>				
Exceptional faculty awards trust fund	PREP	99-04-029		
	EMER	99-07-057		
	PROP	99-08-013		
	PERM	99-13-013		
Information services, center for meetings	MISC	99-15-003		
Meetings	MISC	99-01-045		
	MISC	99-04-098		
Participant outcomes data consortium meetings	MISC	99-10-014		
Retirement plan	PREP	99-09-017		
	PROP	99-13-043		
	EMER	99-13-186		
	PROP	99-14-019		

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

Running start program	PROP 99-14-052 PROP <b>99-18-094</b> PREP 99-08-057 PROP 99-14-018 EMER 99-14-020 PREP 99-10-015	Burning open, outdoor	PROP 99-07-110 PROP <b>99-18-100</b> MISC 99-15-094 MISC 99-10-110
Tuition and fees		Dam safety Environmental performance partnership agreement Flood control assistance account program grants public hearing on proposed award list Forest practices to protect salmonids Forest practices to protect water quality	MISC 99-07-094 EMER 99-07-077 EMER 99-09-001 PROP 99-02-016 PROP 99-09-094
<b>COMMUNITY ECONOMIC REVITALIZATION BOARD</b> (See <b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b> )			
<b>CONVENTION AND TRADE CENTER</b>			
Meetings	MISC 99-01-044 MISC 99-03-019 MISC 99-06-010 MISC 99-07-044 MISC 99-09-047 MISC 99-11-040 MISC 99-13-056 MISC 99-15-059 MISC 99-17-037	Hazardous waste federal regulations, incorporation Marine employee's commission meetings Marine safety State Environmental Policy Act (SEPA) compliance	PREP 99-10-041 MISC 99-09-018 EXRE 99-01-087 PERM 99-07-076 MISC 99-03-078 MISC 99-03-079
<b>CORRECTIONS, DEPARTMENT OF</b>			
Correctional industries meetings	MISC 99-11-009 MISC 99-14-058	Municipal stormwater general permits	MISC 99-12-039
Correctional operations meetings	MISC 99-11-077	Natural resource damage assessment committee meetings	MISC 99-12-039
Facilities site selection process	PREP 99-07-096	Oil spill prevention in north Puget Sound area advisory committee	MISC <b>99-18-099</b>
Meetings	MISC 99-06-008	Public participation grants	MISC 99-13-046
Public records, availability	PREP 99-14-017	Radioactive waste commercial low level disposal-site use permit low level disposal	MISC 99-04-034 MISC 99-04-034 EXAD 99-17-114
Work release infractions	MISC 99-16-078	Rules agenda	MISC 99-04-047 MISC 99-12-095 MISC 99-16-039
<b>COUNTY ROAD ADMINISTRATION BOARD</b>			
Meetings	MISC 99-01-006 MISC 99-04-040 MISC 99-11-018 MISC 99-16-076	Shoreline Management Act guidelines for development of master programs	PROP 99-08-124 PROP 99-12-094
Practice and procedure	PERM 99-01-020 PERM 99-01-021	Solid waste local management plans	MISC 99-13-172
Rules coordinator	MISC 99-01-019	Stormwater watershed-based municipal stormwater general permits	MISC 99-08-061
Rural arterial program	MISC 99-01-021 PROP 99-09-084 PERM 99-16-038 PROP 99-17-039	Vessels inspection standards	MISC 99-04-115 MISC 99-06-002 MISC 99-13-100
<b>CRIME VICTIMS COMPENSATION</b> (See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )			
<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>			
Meetings	MISC 99-03-013	Wastewater treatment plants operator certification	PROP 99-12-038 PROP 99-13-101
<b>DISCRIMINATION</b> (See <b>HUMAN RIGHTS COMMISSION</b> )			
<b>EASTERN WASHINGTON UNIVERSITY</b>			
Meetings	MISC 99-03-035 MISC 99-03-072 MISC 99-04-023 MISC 99-06-015 MISC 99-08-017 MISC 99-11-082 MISC 99-13-155 MISC 99-15-063 MISC 99-01-125	Water cleanup list surface water quality standards wastewater discharge fees fresh fruit packing industry NPDES permit sand and gravel general permit treatment plant operator certification	MISC 99-08-126 PREP 99-05-060 PREP 99-11-055 MISC 99-04-063 MISC 99-09-022 MISC 99-09-079 MISC 99-13-193 PROP 99-12-038
Rules coordinator		Water conservancy boards procedures	PROP 99-12-109
<b>ECOLOGY, DEPARTMENT OF</b>			
Air pollution acid rain program	PREP 99-13-173	Water resources Methow Valley River basin water conservation and management	PROP 99-09-092
aluminum smelter emissions	PREP 99-10-042	Upper Chehalis River watershed water temperature strategy	MISC 99-10-040
emission and performance for new sources standards compliance	EXAD 99-04-097 PROP 99-12-096 PREP 99-17-080	Water rights application processing	PROP 99-08-125 PERM 99-13-093 MISC 99-04-032 MISC 99-04-033
emission standards	PREP 99-12-093	changes or transfers exempt ground water withdrawals instream flows for Lower Skagit and Cultus Mountain tributaries	PREP 99-15-093 EXAD 99-13-174 PREP 99-03-097
fees	PREP 99-09-093	Weather modification	
prevention of significant deterioration program	PREP 99-15-092	Wetland mitigation banks	
vehicle emission inspection	MISC 99-10-111	<b>ECONOMIC DEVELOPMENT FINANCE AUTHORITY</b>	
visibility requirements	PREP 99-07-093	Meetings	MISC 99-01-041
wood fired boilers		<b>EDMONDS COMMUNITY COLLEGE</b>	
		Meetings	MISC 99-01-009 MISC 99-02-043 MISC 99-02-051 MISC 99-03-015



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC 99-04-064	general provisions	PREP 99-12-015
	MISC 99-06-094	students' rights	PREP 99-04-084
	MISC 99-07-045		PROP 99-07-064
	MISC 99-08-067	School district organization	PREP 99-14-086
	MISC 99-08-068	School plant facilities	
	MISC 99-11-008	state assistance	PROP 99-03-026
	MISC 99-12-023	basic state support	PREP 99-06-079
	MISC 99-13-026		PROP 99-14-090
	MISC 99-14-057	educational specifications and site selection	PREP 99-06-078
	MISC 99-16-057		PREP 99-06-080
	MISC 99-18-095		PROP 99-10-001
			PROP 99-14-088
			PROP 99-14-089
			<b>PERM 99-18-107</b>
<b>EDUCATION, STATE BOARD OF</b>			
Appeal procedures	PERM 99-01-172	interdistrict cooperation in financing school	
Certification		plant construction	PREP 99-06-077
compliance and requirements	PREP 99-04-087	interdistrict transportation cooperatives	PREP 99-06-076
	PROP 99-07-070	modernization	PREP 99-06-075
	PREP 99-12-040	preliminary provisions	PREP 99-06-074
endorsements		School staff assignments	PREP 99-03-001
biology, chemistry, earth science, physics, mathematics	PROP 99-04-110		PERM 99-07-054
	PERM 99-07-102	School year, length	PREP 99-04-088
early childhood education	PERM 99-06-005		PROP 99-07-069
technology	PREP 99-04-109	Specialized services	PREP 99-04-092
school nurse	PREP 99-06-038		PROP 99-07-071
	PROP 99-10-003	Student discipline	
	PERM 99-14-012	questioning and confronting witnesses	<b>PREP 99-18-033</b>
	PREP 99-06-038		<b>EMER 99-18-064</b>
school occupational therapist	PROP 99-10-003	Transportation	
	PREP 99-06-038	state assistance	PROP 99-01-157
school physical therapist	PROP 99-10-003		PERM 99-08-004
	PREP 99-06-038	Vocational education	
school speech-language pathologist or audiologist	PREP 99-06-038	certification requirements	PERM 99-06-006
	PROP 99-10-003	Vocational-technical teacher education programs	PREP 99-04-046
standards	PERM 99-01-174		PROP 99-07-049
	PREP 99-16-059		PERM 99-12-014
	PREP 99-16-062		
	PREP 99-16-063		
Construction documents		<b>ELECTIONS</b>	
compliance with public works provisions	PREP 99-04-086	(See <b>SECRETARY OF STATE</b> )	
	PROP 99-07-067		
Continuing education requirements	EMER 99-05-002	<b>EMPLOYMENT SECURITY DEPARTMENT</b>	
	PREP 99-06-039	Academic year	EMER 99-05-003
	PROP 99-10-002		EMER 99-13-003
	PERM 99-14-010		PROP 99-13-183
Early childhood special education			<b>PERM 99-18-066</b>
subject area endorsement	PROP 99-01-171	Agricultural liability	EXRE 99-13-108
	PERM 99-06-005	Definitions	EXRE 99-13-109
Educational service districts		Educational employees	EMER 99-05-003
criteria for organization	PREP 99-04-083	Employers	
	PROP 99-07-065	predecessor and successor employers	PROP 99-05-068
Elementary and secondary standards	PREP 99-04-089		EXAD 99-11-090
	PROP 99-07-068		EXAD 99-11-091
Emergency exit drills	PREP 99-04-090		<b>PROP 99-18-065</b>
	PROP 99-07-073	reports	EXAD 99-11-092
Equivalency credit	PREP 99-04-091		EXAD 99-11-093
	PROP 99-07-072		EXRE 99-12-108
	PROP 99-14-011	Farm labor contractors	EXRE 99-13-107
	PREP 99-16-060	Farm operations	
Foreign course work, equivalency		family members	EXAD 99-13-111
Funding of schools	PERM 99-04-008	Farm operators, records	PREP 99-11-089
state support	PROP 99-04-080		PROP 99-17-091
	PERM 99-10-091	Political subdivisions	EXRE 99-10-005
Health services	PREP 99-04-089	Predecessor-successor transfers through	
	PROP 99-08-081	intermediaries	EXAD 99-11-091
High schools		Reasonable assurance	EMER 99-05-003
adult completion course work credit defined	PROP 99-04-081	Records retention	PREP 99-11-088
	PERM 99-10-093		PREP 99-11-089
graduation requirements	PROP 99-04-082	Rules agenda	PROP 99-17-092
	PROP 99-06-089		MISC 99-04-061
	PREP 99-10-089	Social Security numbers	MISC 99-16-037
	PERM 99-10-094	Taxes, payment of delinquent taxes of	EXRE 99-10-006
	PROP 99-17-085	predecessor employer	
	PREP 99-16-061	Tips as wages, reporting	EXAD 99-11-090
Internship certificate	PERM 99-01-173	Unemployment benefits	EXAD 99-13-114
Marketing education	PREP 99-10-090	application process	
Parents' rights	PROP 99-14-087		PROP 99-01-161
	PREP 99-04-085	contractor and subcontractor compliance	PERM 99-08-073
Physical education	PROP 99-07-066	definitions	PERM 99-15-069
	PROP 99-04-079		EXRE 99-10-007
Practice and procedure	PERM 99-10-092	joint accounts	EXAD 99-13-110
			EXAD 99-13-113
Pupils			EXAD 99-13-112
expulsion	PREP 99-12-016		



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PREP 99-17-016		EMER 99-15-015
	<b>EMER 99-18-092</b>		EMER 99-15-020
shad			EMER 99-15-061
areas and seasons	EMER 99-11-002		EMER 99-16-055
	EMER 99-14-015		EMER 99-16-056
shellfish harvest	PREP 99-17-013		EMER 99-17-040
shrimp fishery			EMER 99-17-069
coastal waters	PERM 99-01-154		<b>EMER 99-18-004</b>
	EMER 99-04-053	Columbia River	<b>EMER 99-18-090</b>
emerging commercial fishery	EMER 99-09-036		EMER 99-10-021
	EMER 99-13-131	Puget Sound	<b>EMER 99-18-055</b>
	EMER 99-16-032		EMER 99-05-061
Puget Sound	EMER 99-10-050		EMER 99-16-065
	EMER 99-14-014	shad	
	EMER 99-15-019	areas and seasons	EMER 99-07-006
	EMER 99-17-004		EMER 99-12-002
	EMER 99-17-015	shellfish	
	EMER 99-17-099	closed areas	EMER 99-13-145
	<b>EMER 99-18-005</b>	native clams	EMER 99-02-002
smelt			EMER 99-07-008
areas and seasons	PERM 99-02-001		EMER 99-08-047
sturgeon			EMER 99-09-034
areas and seasons	EMER 99-01-146		EMER 99-11-038
	EMER 99-02-026		EMER 99-13-168
	EMER 99-08-048		EMER 99-15-037
	EMER 99-13-012		EMER 99-17-046
Fishing, personal use		oysters	EMER 99-11-038
Bridgeport fishing derby	EMER 99-11-044		EMER 99-13-168
crab			EMER 99-15-037
areas and seasons	EMER 99-08-038	shrimp	
	EMER 99-08-058	areas and seasons	EMER 99-10-035
	PERM 99-10-062		EMER 99-10-036
	EMER 99-11-014		EMER 99-12-005
	EMER 99-12-075		EMER 99-12-073
	EMER 99-13-080		EMER 99-16-030
	EMER 99-14-061	smelt	
	EMER 99-15-038	areas and seasons	EMER 99-02-025
	EMER 99-17-006		EMER 99-07-007
reporting rules	PREP 99-08-079	sportfishing rules	PERM 99-08-029
	PROP 99-13-119	steelhead	
	PERM 99-17-066	areas and seasons	EMER 99-04-060
food fish			EMER 99-08-046
areas and seasons	EMER 99-12-002	sturgeon	
	EMER 99-13-145	areas and seasons	EMER 99-09-014
free fishing weekends	EMER 99-13-058		EMER 99-12-002
gamefish			EMER 99-13-059
seasons and catch limits	EMER 99-08-046		EMER 99-14-051
exceptions to state-wide rules	EMER 99-09-015	Fishing, subsistence	
	EMER 99-12-001	Columbia River tributaries	EMER 99-09-016
	EMER 99-12-002		EMER 99-11-001
	EMER 99-12-019		EMER 99-12-045
	EMER 99-13-099		EMER 99-12-046
	EMER 99-13-145		EMER 99-13-079
	<b>EMER 99-18-091</b>		EMER 99-13-146
halibut		Hunting	
areas and seasons	EMER 99-11-043	bear	PREP 99-01-136
	EMER 99-12-074		PROP 99-05-063
	EMER 99-15-013		PERM 99-10-102
	<b>EMER 99-18-054</b>		<b>PREP 99-18-046</b>
Humptulips River closed to fishing	EMER 99-06-020	big game auction permits and raffles	PERM 99-01-144
licenses	PERM 99-02-040		<b>PREP 99-18-046</b>
	PERM 99-03-029	bighorn sheep	PREP 99-01-136
	PREP 99-03-106		PROP 99-05-063
	EMER 99-06-007		PERM 99-10-102
	PREP 99-10-060		PREP 99-01-136
	PROP 99-13-117		PROP 99-05-063
	PERM 99-17-095	cougar	PERM 99-10-102
	<b>PREP 99-18-093</b>		<b>PREP 99-18-046</b>
marine preserve and conservation area boundaries	PREP 99-17-041	deer	PREP 99-01-136
recreational rules revision	EXAD 99-11-098		PROP 99-05-063
	PERM 99-15-081	disabled hunters	PERM 99-10-102
salmon		crossbow and cocking device	PROP 99-05-064
annual fishing rules	PREP 99-05-037		PROP 99-10-112
annual harvest	PROP 99-10-073	elk	PREP 99-01-136
areas and seasons	EMER 99-08-046		PROP 99-05-063
	EMER 99-10-049		PERM 99-10-102
	EMER 99-11-079		PREP 99-10-115
	EMER 99-12-044		PROP 99-13-194
	EMER 99-13-009		EMER 99-17-082
	EMER 99-13-130		<b>PERM 99-18-017</b>
	EMER 99-13-146		
	EMER 99-14-048		

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

game management units (GMUs)	PREP 99-01-136		EMER 99-13-157
	PROP 99-05-063		<b>PERM 99-18-048</b>
	PERM 99-10-102	Public records, accessibility	PROP 99-13-156
	<b>PREP 99-18-046</b>		EMER 99-13-157
goose	PREP 99-01-136		<b>PERM 99-18-048</b>
	PROP 99-05-063		
	PERM 99-10-102		
hunting hours and small game permit hunts	PREP 99-01-136	<b>GAMBLING COMMISSION</b>	
	PROP 99-05-063	Age requirement to participate in gambling activities	PREP 99-15-047
	PERM 99-10-102		<b>PROP 99-18-109</b>
	<b>PREP 99-18-046</b>		
migratory gamebirds	PREP 99-10-104	Bingo	
	PROP 99-13-194	charitable and nonprofit licenses	PERM 99-03-103
	PERM 99-17-034	net return	PREP 99-15-046
	<b>PERM 99-18-017</b>		PREP 99-03-099
moose	PREP 99-01-136	promotions	PREP 99-03-100
	PROP 99-05-063		PREP 99-03-101
	PERM 99-10-102		PREP 99-03-102
mountain goat	PREP 99-01-136		PREP 99-04-005
	PROP 99-05-063		PROP 99-08-094
	PERM 99-10-102		PERM 99-11-078
muzzleloader areas	<b>PREP 99-18-046</b>	Card rooms	PROP 99-08-093
private lands wildlife management areas	PERM 99-01-138		PERM 99-12-082
	PERM 99-01-145	house banked card games	PERM 99-13-103
	<b>PREP 99-18-046</b>	Licenses	PREP 99-09-009
restricted and closed areas	PREP 99-01-136	qualifications	PREP 99-09-010
	PROP 99-05-063		PROP 99-13-206
	PERM 99-10-102		<b>PERM 99-18-002</b>
rules clarification	PREP 99-10-103	Meetings	<b>MISC 99-18-078</b>
	PROP 99-13-194	Promotional contests of chance	PREP 99-09-011
	<b>PERM 99-18-017</b>		<b>PROP 99-18-077</b>
Prospecting		Public disclosure	PREP 99-09-012
gold and fish pamphlet	EXRE 99-01-054		PROP 99-13-205
	PERM 99-05-024	Rules revision	<b>PERM 99-18-003</b>
small scale prospecting and mining	PERM 99-01-088	Washington blackjack	PREP 99-17-038
	EXAD 99-05-023		PREP 99-07-095
	PERM 99-10-048		PROP 99-09-096
Rules agenda	MISC 99-02-018		PERM 99-13-102
	MISC 99-14-013		
Trapping	PREP 99-10-104		
	PROP 99-13-194		
	PROP 99-16-001		
	<b>PERM 99-18-017</b>	<b>GENERAL ADMINISTRATION, DEPARTMENT OF</b>	
Volunteer cooperative projects	PREP 99-01-032	Capitol campus design advisory committee	
	PROP 99-05-075	meetings	MISC 99-01-026
	PROP 99-05-076		MISC 99-01-118
	PERM 99-11-003	Capitol facilities division	MISC 99-05-020
	PERM 99-11-004	meetings	
	PREP 99-17-009	Capitol grounds rules	MISC 99-04-030
Wildlife		penalties for violations removed	PREP 99-08-086
access stewardship decals	<b>PREP 99-18-037</b>		PROP 99-15-031
conservation patron donations	<b>PREP 99-18-037</b>	Federal surplus property	EXRE 99-01-151
deleterious exotic wildlife			PERM 99-06-001
designation and control	PROP 99-01-055	Legislative building renovation and preservation, commission on	
	PERM 99-08-024	meetings	MISC 99-15-002
endangered, threatened, or sensitive species	PREP 99-01-137	Procurement, office of	
	<b>PREP 99-18-047</b>	process	EXAD 99-10-069
	<b>PREP 99-18-046</b>	repeal of inapplicable rules	PERM 99-15-070
rehabilitation			EXRE 99-10-068
			PERM 99-13-138
<b>FOOD ASSISTANCE PROGRAM</b>		Property development, division of	
(See <b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b> )		meetings	MISC 99-08-002
<b>FOREST PRACTICES BOARD</b>		State capitol committee	
(See also <b>ECOLOGY, DEPARTMENT OF</b> )		meetings	MISC 99-05-067
Meetings	MISC 99-01-083	State vehicles	
	MISC 99-17-090	insignia	EXAD 99-13-167
Protection for threatened and endangered salmonids	EMER 99-07-075		<b>PERM 99-18-029</b>
	EMER 99-08-078		
	EMER 99-16-081	<b>GOVERNOR, OFFICE OF THE</b>	
Rules agenda	MISC 99-01-082	Clemency and pardons board	
	PROP 99-09-078	meetings	MISC 99-04-065
	MISC 99-17-089		MISC 99-13-044
Water quality	PROP 99-01-070	Counties, state of emergency	MISC 99-03-028
Water typing	EMER 99-07-074		MISC 99-04-068
	EMER 99-08-077		MISC 99-06-041
	EMER 99-16-080		MISC 99-06-096
			MISC 99-07-035
			MISC 99-07-055
			MISC 99-07-083
			MISC 99-10-108
<b>FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD</b>			
Organization and operation	PROP 99-13-156	Ecology, department of	
	EMER 99-13-157	notice of appeal	MISC 99-05-001
	<b>PERM 99-18-048</b>		
Projects	PROP 99-13-156		

## Subject/Agency Index

(Citation in bold type refer to material in this issue)

Thomas Lake appeal	MISC	99-07-052	minimum standards of practice	EXAD	99-08-096
Executive orders			hearing instrument fitters/dispensers		
council of economic advisors	MISC	99-04-027	apprenticeship	PROP	99-11-036
Legislative special session convened	MISC	99-11-015	hearing instrument purchase agreements	PROP	99-01-096
Rescission	MISC	99-01-103		PERM	99-08-103
School-to-work transition task force meetings	MISC	99-07-082	referrals, documentation	EXRE	99-16-046
			surety bonding	PERM	99-07-019
			unfair practices	PERM	99-07-019
<b>GRAYS HARBOR COLLEGE</b>			<b>HIV</b>		
Meetings	MISC	99-01-043	reporting	PROP	99-12-083
	MISC	99-01-124		PERM	99-17-077
<b>GREEN RIVER COMMUNITY COLLEGE</b>			<b>Hospitals</b>		
Meetings	MISC	99-02-005	acute care hospital		
			standards	PERM	99-04-052
			newborn screening fees	PROP	99-16-115
<b>GROWTH MANAGEMENT HEARINGS BOARDS</b>			<b>Lead</b>		
Meetings	MISC	99-02-050	reporting of blood lead levels	EXAD	99-06-091
	MISC	99-04-045		PERM	99-11-037
	MISC	<b>99-18-049</b>			
Practice and procedure	PREP	99-17-081	<b>Local public health</b>		
			guidelines	PERM	99-03-062
			rules review	PERM	99-03-063
<b>HAZARDOUS WASTE</b>			<b>LPN</b>		
(See <b>ECOLOGY, DEPARTMENT OF</b> )			education supervision	MISC	99-02-060
			standing orders and protocols	MISC	99-02-060
			surgical technologist	MISC	99-02-059
<b>HEALTH, DEPARTMENT OF</b>			<b>Marijuana</b>		
Antitrust immunity and competitive oversight transfer	PROP	99-04-049	medical marijuana use	MISC	99-16-049
Antitrust review fees	PREP	99-04-050	Medical quality assurance commission		
Boarding homes			sexual misconduct	PROP	99-07-121
civil fines	PROP	99-04-048	standing orders and protocols	MISC	99-02-061
Certificate of need fees	PREP	99-05-011	Medical records		
Chemical dependency professionals certification			fees allowed for searching and duplicating	PROP	99-10-078
minimum standards	PROP	99-09-100		PERM	99-13-083
continuing competency	PERM	99-13-084	<b>Midwives</b>		
disclosure requirements	PREP	99-15-034	examinations	PERM	99-03-064
educational programs	PREP	99-15-035	retired active status	PREP	99-06-090
examination and AIDS education requirements	PREP	99-16-048	<b>Nursing assistants</b>		
retired active status	PREP	99-08-095	fees	PREP	99-16-114
Children with special health care needs program	PERM	99-01-100	<b>Nursing care quality assurance commission</b>		
	PERM	99-03-043	alcohol misuse	PREP	99-09-098
			camp medical personnel	MISC	99-11-029
Chiropractic quality assurance commission standards and licenses	PREP	99-03-061	default documents	MISC	99-13-027
Community environmental health on-site sewage systems	MISC	99-03-059	definitions	PREP	99-11-032
Denturists			education programs	PREP	99-11-032
licenses			home health aids		
renewal cycle	EXAD	<b>99-18-081</b>	simple trach care	MISC	99-02-058
Environmental health program fees	PROP	99-07-120	impaired practical nurse program, license surcharge	PERM	99-01-099
	PERM	99-12-022	licenses		
<b>Fees</b>			authorization to practice	PROP	99-06-092
decreased for certain professions	PROP	99-02-057		PROP	99-08-099
public health programs	PERM	99-08-101	endorsement	PERM	99-10-079
	PROP	99-07-120	qualifications	PREP	99-11-032
	PERM	99-12-022		PROP	99-08-099
Food workers' permit	PROP	99-08-097		PERM	99-13-086
	PERM	99-13-019		EXRE	99-01-092
Health professions quality assurance division complaint procedure	MISC	99-17-071	nursing technicians	EXAD	99-01-098
	MISC	99-17-074	occlusive dressings	PERM	99-08-104
disability discrimination	MISC	99-17-072	reporting requirements	PREP	99-14-002
discipline	MISC	99-03-055	retired/active status	MISC	99-05-010
fees	MISC	99-13-033	scope of practice	<b>PROP</b>	<b>99-18-082</b>
intranet and internet use	MISC	99-13-031	sexual misconduct	PREP	99-03-066
	MISC	99-03-056	standards of practice	MISC	99-13-037
	MISC	99-13-029	telenursing	MISC	99-13-038
	MISC	99-13-030	tracheal suctioning	PERM	99-04-051
meetings	MISC	99-13-034	vagal nerve stimulator magnet	PREP	99-11-034
	MISC	99-13-036	voluntary monitoring	PREP	99-11-033
records, accessibility	MISC	99-13-028	<b>Nursing home administrators, board of</b>	<b>MISC</b>	<b>99-18-088</b>
review of proposed statements procedures	MISC	99-13-035	case disposition guidelines	MISC	99-05-009
sexual misconduct	MISC	99-03-057	complaints and hearing procedures	MISC	99-03-058
suspension of credentials	MISC	99-13-032	program manager	PERM	99-03-067
unlicensed practice	MISC	<b>99-18-087</b>	suitability and character	PERM	99-03-069
whistleblower complaints	MISC	99-17-075	Opticians, dispensing contact lenses	PERM	99-03-068
Hearing and speech, board of audiology and speech-language pathology education requirements	PROP	99-01-097	Optometry, board of	MISC	99-11-027
	PERM	99-08-102	vision care access	PERM	99-16-047
			Orthotist and prosthetists		
			examinations of candidates	PROP	99-03-083
			osteopathic medicine and surgery	PERM	99-07-122



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### INFORMATION SERVICES, DEPARTMENT OF

Meetings **MISC** 99-03-024  
Public records, accessibility **PREP** **99-18-012**

### INSURANCE COMMISSIONER'S OFFICE

Address **MISC** 99-03-036  
Annual reports, filing requirements **EXAD** 99-11-101  
**PERM** 99-16-035  
Commercial property casualty insurance **PREP** 99-12-105  
Fraternal benefit societies  
risk-based surplus **PERM** 99-01-142  
Health care services insurance  
chemical dependency coverage **PROP** 99-11-103  
**PERM** 99-16-005  
health care providers, inclusion **PROP** 99-11-102  
**PROP** 99-13-045  
**PERM** 99-16-036  
health insurance pool **PREP** 99-11-025  
**PROP** 99-14-085  
**PERM** **99-18-039**  
maternity and infant coverage **MISC** 99-13-160  
mental health benefits **PROP** 99-03-007  
**PROP** 99-03-037  
**PROP** 99-16-073  
**PROP** 99-16-106  
newborn coverage **MISC** **99-18-038**  
pharmacy benefits **PROP** 99-03-006  
**PROP** 99-03-038  
**PROP** 99-16-073  
provider contracts **PROP** 99-12-106  
rules clarification **PREP** 99-13-198  
Life insurance  
annuity and deposit fund disclosure **PREP** 99-13-199  
valuation of policies **PREP** 99-13-197  
Physicians insurance exchange **MISC** 99-11-022  
Rules agenda **MISC** 99-17-021  
Safeco corporation acquisition **MISC** 99-17-020  
**MISC** **99-18-060**  
Unigard security insurance company **MISC** 99-07-058

### INTEREST RATES

(See inside front cover)

### INVESTMENT BOARD

Meetings **MISC** 99-01-141  
Rules coordinator **MISC** 99-15-060

### JAIL INDUSTRIES BOARD

Meetings **MISC** 99-03-022  
Rules agenda **MISC** 99-03-021

### JUDICIAL CONDUCT, COMMISSION ON

Confidentiality **PROP** 99-10-109  
**MISC** 99-17-051  
Meetings **MISC** 99-17-100  
Post-decision proceedings, procedure and  
confidentiality **PROP** 99-09-050  
**PERM** 99-17-050

### LABOR AND INDUSTRIES, DEPARTMENT OF

Accident prevention programs **EXAD** 99-01-147  
**PROP** 99-10-072  
**PERM** 99-17-093  
Boiler rules, board of  
clear rule writing **PREP** 99-05-021  
**PROP** 99-17-028  
fees **PROP** 99-04-036  
**PERM** 99-08-049  
Conversion vendor units and medical units **PROP** 99-13-200  
**PERM** **99-18-069**  
Crime victims compensation  
mental health treatment **PREP** 99-10-101  
**PROP** 99-15-100  
rules review **PROP** 99-01-179  
**PERM** 99-07-004  
**EXAD** 99-16-112  
Electrical board  
practice and procedure **PREP** 99-17-115  
Electronic signatures **PREP** 99-02-083  
Factory-assembled structures **PREP** 99-05-078  
**PROP** 99-08-129

### Fees

### First-aid

requirements

### Industrial Safety and Health Act (WISHA)

abatement verification

### Minors

employment

### Plumbers

advisory board

position open

fees

### Policy and interpretive statements

### Prevailing wage

Rules agenda

### Safety and health impact grant program

Safety and health standards

amusement park rides

asbestos removal and encapsulation

### construction advisory commission

safety standards for construction work

electrical equipment

electrical testing laboratories

electrical workers

### emergency washing facilities

explosives manufacturing

### federal OSHA standards

### fire fighters

forklift operation

### hazardous waste operations and emergency

responses

### logging operations

### longshore, stevedore, and related waterfront

operations

longshore and marine terminals

mechanical power transmission apparatus

mines, pits, and quarries

minors

### nonagricultural employment

### occupational health standards review

penalty calculation and assessment

explanations clarified

policy and interpretive statements

power transmission devices

pulp, paper, and paperboard mills and converters

### respiratory protection

review of standards

scaffolds

telecommunications

vendor units

### State funded nursing homes

zero-lift environment discount

### Temporary worker building code

cherry harvest housing

factory-built structures

### Workers' compensation

accident fund

dividend distribution

**PERM** 99-13-010

**PROP** 99-13-011

**PROP** 99-08-128

**PERM** 99-12-080

**PREP** 99-06-040

**PROP** 99-15-086

**PERM** 99-02-019

**EXRE** 99-12-113

**PERM** 99-15-071

**MISC** 99-07-130

**EXAD** 99-03-109

**PERM** 99-07-101

**MISC** 99-01-024

**MISC** 99-09-032

**MISC** **99-18-014**

**MISC** 99-14-021

**MISC** 99-04-116

**MISC** 99-16-014

**MISC** 99-12-088

**PREP** 99-17-115

**PROP** 99-08-071

**PERM** 99-17-026

**PREP** 99-07-015

**PERM** 99-05-052

**PREP** 99-17-115

**EXAD** 99-04-078

**PERM** 99-09-080

**PERM** 99-07-063

**EXRE** 99-12-090

**PERM** 99-16-085

**PREP** 99-07-014

**EXAD** 99-12-089

**PROP** 99-13-144

**PERM** 99-17-094

**PERM** 99-05-080

**PREP** 99-12-037

**PROP** 99-16-084

**EXAD** 99-01-149

**PERM** 99-07-097

**PROP** 99-08-072

**PERM** 99-17-117

**PERM** 99-02-023

**PERM** 99-02-024

**PERM** 99-12-091

**PERM** 99-01-023

**PERM** 99-02-041

**PROP** 99-09-081

**PREP** 99-04-057

**PREP** 99-08-069

**MISC** 99-02-069

**EXAD** 99-13-165

**PROP** 99-06-071

**PERM** 99-16-083

**PERM** 99-10-071

**PREP** 99-04-057

**PREP** 99-08-070

**PREP** 99-15-085

**EXRE** 99-16-113

**EXAD** 99-17-116

**EMER** 99-04-106

**PREP** 99-15-107

**PREP** 99-01-178

**PROP** 99-08-130

**PERM** 99-12-079

**EMER** 99-02-022

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

benefit payments	PREP 99-10-025 PROP 99-13-201 <b>PERM 99-18-062</b>	seals/stamp usage	PERM 99-15-058 PREP 99-02-078 PROP 99-10-085 <b>PERM 99-15-055</b>
classification plan		signature	
premium rates	PREP 99-07-100	electronic signature definition	PREP 99-07-136
reporting and collection of premiums	PREP 99-07-099 PROP 99-12-115 <b>PERM 99-18-068</b>	supervision	PREP 99-07-135 PROP 99-10-086 PERM 99-15-050 PREP 99-02-071
definitions	PREP 99-16-111	temporary permits	
health care reimbursement rates	PREP 99-01-177 PROP 99-05-079 PERM 99-10-043 PREP 99-12-114 PROP 99-13-202	Funeral directors and embalmers fees	PREP 99-10-016 PROP 99-13-136 PERM 99-16-040
medical coverage, determination	PREP 99-13-204	Landscape architects fees	PREP 99-14-083 <b>PROP 99-18-103</b> PREP 99-12-018
provider reporting requirements	PREP 99-05-051	Limousine businesses	
retrospective rating	PREP 99-13-203	Manufactured homes	
self-insurers	PREP 99-14-084 <b>PROP 99-18-067</b>	certificate of ownership	<b>PREP 99-18-127</b>
<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>		Martial arts contests	PREP 99-09-083
Meetings	MISC 99-01-004 MISC 99-07-037	Model traffic ordinance	PROP 99-01-143 PERM 99-04-070 PREP 99-07-040 PREP 99-07-079 PREP 99-07-080 PROP 99-09-044 PERM 99-13-151 <b>PREP 99-18-126</b>
Students		Motor vehicle excise tax credit	
conduct code	PREP 99-15-006 EMER 99-15-009		
refunds	PREP 99-15-007 EMER 99-15-008	Motor vehicles	
<b>LAND SURVEYORS</b>		abandoned and unauthorized vehicles, impound	PREP 99-16-051 <b>PREP 99-18-129</b> PERM 99-01-014 PROP 99-01-140 PERM 99-02-049 PROP 99-04-037 PROP 99-04-038 PERM 99-06-037 PROP 99-07-016 PERM 99-08-064 PERM 99-08-065 PROP 99-09-043 PERM 99-12-031 PREP 99-13-006 PROP 99-13-081 PREP 99-13-139 PERM 99-13-150 PROP 99-17-030 PROP 99-12-111 PERM 99-16-020
(See LICENSING, DEPARTMENT OF)		branding and special built vehicles	
<b>LICENSING, DEPARTMENT OF</b>		certificate of title	
Aircraft fuel tax	PREP 99-08-127 PROP 99-15-096	dealers and manufacturers	
Architects, board of registration for licenses		rules review	PROP 99-05-059
renewal	PREP 99-01-001 PROP 99-05-050 PERM 99-08-062	destroyed vehicles, reporting	PREP 99-10-054
Athletic agents		disabled person parking	PREP 99-11-016 EMER 99-16-019 PROP 99-17-109
registration	EXRE 99-10-026 PERM 99-14-035	drivers' licenses	
Bail bond agents		extension	PROP 99-02-052 PERM 99-05-032
rules review	PROP 99-08-087	foreign organization license plates	PREP 99-10-058 <b>PROP 99-18-020</b> PREP 99-10-055 PREP 99-10-058 <b>PROP 99-18-020</b> PERM 99-01-133 PROP 99-01-139 PREP 99-03-003 PERM 99-06-029 PREP 99-12-018
Boxing and martial arts	PREP 99-09-083 PREP 99-12-103 PROP 99-13-127 PERM 99-17-048	foreign plated vehicles, operation	
Cemetery board		honorary consul license plates	
fees	PREP 99-10-017 PROP 99-13-137 PERM 99-16-079	licenses	
Debt adjusters	EXRE 99-09-056 PERM 99-14-062	limousine businesses	
Engineers and land surveyors, board of registration for professional branch offices	PREP 99-02-075 PROP 99-10-082 PERM 99-15-053	motor carriers	
corporations and limited liability companies	PREP 99-02-074 PROP 99-10-080 PERM 99-15-057 PREP 99-02-079 PROP 99-10-087 PERM 99-15-056 PREP 99-02-070 PROP 99-08-132 PERM 99-12-036	definitions	<b>EXAD 99-18-061</b>
documents	PREP 99-02-079 PROP 99-10-087 PERM 99-15-056 PREP 99-02-070 PROP 99-08-132 PERM 99-12-036	parking ticket collection	<b>PREP 99-18-128</b>
fees and charges	PREP 99-02-070 PROP 99-08-132 PERM 99-12-036 PREP 99-02-072 MISC 99-03-017	rental car taxation and licensing	<b>PREP 99-18-131</b>
meetings and officers	PREP 99-02-076 PROP 99-10-083 PERM 99-15-054	snowmobiles and off-road vehicles	PREP 99-13-149
offer to practice	PREP 99-02-073 PROP 99-10-088 PERM 99-15-051	special license plates	PREP 99-10-056
renewals	PREP 99-07-134 PROP 99-10-081 PERM 99-15-052	trip permits	EMER 99-16-018 <b>PREP 99-18-010</b> PREP 99-10-056 PERM 99-01-104
retired status certificate of registration	PREP 99-02-077 PROP 99-10-084	veterans	
seals		Practice and procedure	
		Public records disclosure	
		copying fees	EXAD 99-05-004 PERM 99-09-045



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

definitions	PREP 99-08-036	cash option	PREP 99-10-051
	PROP 99-12-026		PROP 99-13-148
	PERM 99-17-031	drawing dates	PROP 99-04-012
Real estate appraisers			PROP 99-05-036
continuing education	PROP 99-08-028	Meetings	PROP 99-10-052
	PERM 99-11-039		MISC 99-08-009
fees	PERM 99-04-075		MISC 99-13-147
uniform standards of practice	PROP 99-01-158	On-line games	
	PERM 99-04-074	ticket sales	PERM 99-04-077
Real estate commission		Policy summaries	MISC 99-06-014
brokers and salesmen			MISC 99-10-099
rules review	PERM 99-03-042		MISC 99-16-010
Rules agenda	MISC 99-03-027	Probability of winning	PREP 99-16-006
	MISC 99-15-022	Quinto	
	<b>PREP 99-18-101</b>	drawing dates	PROP 99-04-012
Title and registration advisory committee			PERM 99-16-008
meetings	MISC 99-13-041	Retailer compensation	PREP 99-04-003
Travel sellers	PREP 99-12-102	Retailer licensing	PERM 99-01-038
Uniform commercial code filing office			PREP 99-04-076
fees	PERM 99-06-003	Scratch games	
	PREP 99-15-091	closed games	PERM 99-16-007
	PREP 99-17-027		
forms	PREP 99-17-027	<b>LOWER COLUMBIA COLLEGE</b>	
Vessels		Rules coordinator	MISC 99-01-007
registration and certificate of title	PERM 99-01-134		
	PROP 99-02-012	<b>MARINE EMPLOYEES' COMMISSION</b>	
	PERM 99-03-002	Meetings	MISC 99-12-010
	PERM 99-07-041		MISC 99-16-058
	PREP 99-10-057		
	PROP 99-15-097	<b>MARINE SAFETY</b>	
	PROP 99-17-070	(See <b>ECOLOGY, DEPARTMENT OF</b> )	
	PROP 99-17-108		
	<b>PREP 99-18-009</b>	<b>MEDICAL ASSISTANCE</b>	
	<b>PROP 99-18-125</b>	(See <b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b> )	
	<b>PREP 99-18-130</b>		
Wastewater treatment system designers		<b>MEDICAL CARE</b>	
licensing	PREP 99-16-064	(See <b>HEALTH, DEPARTMENT OF</b> )	
<b>LIQUOR CONTROL BOARD</b>		<b>MILITARY DEPARTMENT</b>	
Added activities on licensed premises	PREP 99-04-113	911 enhanced funding	PREP 99-06-024
Advertising by licensees	PREP 99-17-097		
Alcohol impact areas	PROP 99-06-097	<b>MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF</b>	
	PERM 99-13-042	Annual goals	PREP 99-05-082
Alcoholic beverages brought into state for		Political subdivision fees	PREP 99-05-083
personal use	PROP 99-05-014		
	PERM 99-10-066	<b>MODEL RULES OF PROCEDURE</b>	
Breweries		(See <b>ADMINISTRATIVE HEARINGS, OFFICE OF</b> )	
nonretail licensees	PREP 99-12-125	<b>MODEL TRAFFIC ORDINANCE</b>	
Credit card or debit card use	PERM 99-04-114	(See <b>LICENSING, DEPARTMENT OF</b> )	
Electronic funds transfer	PREP 99-04-002	<b>MOTOR VEHICLES</b>	
Hearing methods		(See <b>LICENSING, DEPARTMENT OF; TRANSPORTATION, DEPARTMENT OF; UTILITIES AND TRANSPORTATION COMMISSION; WASHINGTON STATE PATROL</b> )	
contested cases	PREP 99-12-126		
	PROP 99-17-098	<b>NATURAL RESOURCES, DEPARTMENT OF</b>	
rules review	EXRE 99-09-038	Aquatic lands exchange	PERM 99-07-034
	PERM 99-15-023	Burning permit fees	PROP 99-08-117
Licenses			PERM 99-12-085
general requirements	PREP 99-12-128	Fire hazard closures	EMER 99-15-001
motels	PREP 99-12-127	Forest fire advisory board	
penalty guidelines	PERM 99-03-032.	meetings	MISC 99-18-036
	PERM 99-03-033	Meetings	MISC 99-02-028
retail	PROP 99-06-097		MISC 99-08-083
	PERM 99-13-042	Milwaukee Road Corridor-recreation use	PREP 99-08-116
	<b>PREP 99-18-133</b>		PROP 99-12-092
	PREP 99-09-039	<b>NURSING CARE</b>	
rules review		(See <b>HEALTH, DEPARTMENT OF</b> )	
Malt beverages	PREP 99-04-112	<b>OLYMPIC AIR POLLUTION CONTROL AUTHORITY</b>	
tax reporting and filing	EXAD 99-12-084	Construction notice	PROP 99-17-086
Operations and procedures	PERM 99-16-119	Registration	PROP 99-17-086
Sports, entertainment facilities		<b>OLYMPIC COLLEGE</b>	
alcohol service	PROP 99-07-085	Meetings	MISC 99-01-025
	PROP 99-16-118		MISC 99-04-044
Tobacco products		<b>OSTEOPATHY</b>	
sale or handling by employees under age eighteen	PERM 99-03-031	(See <b>HEALTH, DEPARTMENT OF</b> )	
Violations			
administrative procedure	PROP 99-08-014		
	PERM 99-12-129		
Wineries			
nonretail licensees	PREP 99-12-125		
<b>LOTTERY, COMMISSION</b>			
Instant game rules	EXRE 99-10-031		
Lotto			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Meetings	MISC	99-03-047
	MISC	99-03-048
	MISC	99-13-014
	MISC	99-17-049
Off-road vehicle funds	EXAD	99-01-148
	PREP	99-08-092
	PROP	99-08-114
	PERM	99-16-009

### PARKS AND RECREATION COMMISSION

Marine facilities moorage and use	PROP	99-01-120
	PERM	99-04-117
Meetings	MISC	99-01-135
	MISC	99-13-143
Pass program	PREP	99-16-082
Public use of park areas	PROP	99-04-118
	PERM	99-08-031
	PREP	99-16-033
Trails bicycle and equestrian use	PREP	99-06-042
	PROP	99-10-065
	PERM	99-15-030
Wind/sand sailing on ocean beaches	PROP	99-08-084

### PENINSULA COLLEGE

Meetings	MISC	99-13-055
WAC update	PREP	99-07-060
	PROP	99-10-100
	PERM	99-15-072
	EXRE	99-16-028
	PERM	99-16-029

### PERSONNEL, DEPARTMENT OF

Affirmative action governor's affirmative action policy committee meetings	MISC	99-01-085
Initiative 200 compliance	EMER	99-01-050
	EMER	99-01-051
	PROP	99-02-053
	PROP	99-02-054
	PERM	99-05-042
	PERM	99-05-043
	PROP	99-16-104
responsibilities	PROP	99-13-104
Call-back for work	PROP	99-16-103
Certifications actions required	PERM	99-03-044
Combined fund drive	PREP	99-05-081
	PROP	99-08-109
	PERM	99-14-022
Examinations	PROP	99-13-104
Housekeeping changes and rules clarification	PROP	99-05-058
Internship program	PROP	99-16-104
Meetings	MISC	99-01-049
Performance evaluations	PROP	99-16-101
Probationary period	PERM	99-01-052
Public records, availability	PROP	99-16-104
Relocation compensation	PROP	99-16-102
Training and development programs	PROP	99-13-105
	PROP	99-16-104
Trial service	PROP	99-13-106

### PERSONNEL RESOURCES BOARD

(See PERSONNEL, DEPARTMENT OF)

### PESTICIDES

(See AGRICULTURE, DEPARTMENT OF)

### PIERCE COLLEGE

Meetings	MISC	99-01-122
	MISC	99-11-045
	MISC	99-12-012
	MISC	99-12-048
	MISC	99-13-015
	MISC	99-13-129
	MISC	<b>99-18-006</b>
Student rights and responsibilities/code of conduct	PREP	99-04-028
	PROP	99-07-109
	PERM	99-10-046

### PILOTAGE COMMISSIONERS, BOARD OF

Grays Harbor district annual tariff	PROP	99-12-028
	PERM	99-16-027
New pilots, limitations	PROP	99-01-117
	PERM	99-08-003
Puget Sound district annual tariff	PROP	99-08-075
	PERM	99-12-027

### PROCUREMENT, OFFICE OF

(See GENERAL ADMINISTRATION, DEPARTMENT OF)

### PRODUCTIVITY BOARD

(See SECRETARY OF STATE)

### PROPERTY TAX

(See REVENUE, DEPARTMENT OF)

### PROSPECTING

(See FISH AND WILDLIFE, DEPARTMENT OF)

### PUBLIC ASSISTANCE

(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)

### PUBLIC DISCLOSURE COMMISSION

Agency rules uniform procedure and format for public	PREP	99-06-050
	PROP	99-09-062
	PERM	99-12-056
Candidates registration	PREP	99-16-045
Commercial advertisers public inspection of records	PREP	99-06-064
	PROP	99-09-074
	PERM	99-12-068
Contributions to candidates, elected officials, political committees or public office fund forms for reporting	PREP	99-16-042
	PREP	99-16-043
lobbyist making contributions on behalf of employer	PREP	99-06-067
	PROP	99-09-059
	PERM	99-12-053
Elected public officials annual list	PREP	99-06-059
	PROP	99-09-070
	PERM	99-12-064
name not on list, impact	PREP	99-06-061
	PROP	99-09-071
	PERM	99-12-065
responsibility for developing	PREP	99-06-060
	PROP	99-09-058
	PERM	99-12-052
Freedom of communication employer interference	PREP	99-06-068
	PROP	99-09-060
	PERM	99-12-054
Legislature form for report of legislative activity by legislators and staff	PREP	99-06-069
	PROP	99-09-061
	PERM	99-12-055
Lobbyist registration last calendar quarter of biennial period	PREP	99-06-065
	PROP	99-09-075
	PERM	99-12-069
termination	PREP	99-06-066
	PROP	99-09-076
	PERM	99-12-070
Meetings Political advertising political party identification	MISC	99-16-003
	PREP	99-06-063
	PROP	99-09-073
	PERM	99-12-067
Political committees registration	PREP	99-16-044
Public records campaign books, inspection	MISC	99-14-080
	PREP	99-16-044
copying charges for records on CDs and diskettes	PREP	99-06-054
	PROP	99-09-066
	PERM	99-12-060

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

hours for inspection and copying	PREP 99-06-052		
	PROP 99-09-064		
index	PERM 99-12-058		
	PREP 99-06-057		
	PROP 99-09-069		
officer	PERM 99-12-063		
	PREP 99-06-051		
	PROP 99-09-063		
	PERM 99-12-057		
public inspection exemptions	PREP 99-06-055		
	PROP 99-09-067		
	PERM 99-12-061		
requests	PREP 99-06-053		
	PROP 99-09-065		
	PERM 99-12-059		
forms	PREP 99-06-058		
	PROP 99-09-057		
	PERM 99-12-051		
review of denials	PREP 99-06-056		
	PROP 99-09-068		
	PERM 99-12-062		
Rules agenda	MISC 99-01-150		
Sample ballots	PREP 99-06-062		
	PROP 99-09-072		
	PERM 99-12-066		
<b>PUBLIC EMPLOYEES BENEFITS BOARD</b>			
(See <b>HEALTH CARE AUTHORITY</b> )			
<b>PUBLIC EMPLOYMENT RELATIONS COMMISSION</b>			
Interest arbitration and grievance rules	PREP 99-04-013		
	PROP 99-10-107		
	PERM 99-14-060		
Meetings	MISC 99-02-011		
Rules agenda	MISC 99-01-086		
	MISC 99-14-059		
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
Alternative learning experience requirements	PERM 99-08-008		
	PROP 99-13-094		
Certificated instructional staff ratio compliance	PREP 99-16-077		
K-4 staff enhancement funding	PREP 99-11-062		
Learning improvement days	EMER 99-12-087		
Local effort assistance allocations	PREP 99-11-064		
Reports	PREP 99-11-067		
Rules coordinator	MISC 99-13-004		
Running start program	PREP 99-09-008		
	EMER 99-13-124		
Salary allocations	PREP 99-11-061		
	PROP 99-15-048		
Special education services	PREP 99-06-049		
	PREP 99-11-063		
	PREP 99-11-065		
	PROP 99-17-101		
Vocational education students	PREP 99-11-066		
<b>PUBLIC WORKS BOARD</b>			
(See <b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b> )			
<b>PUGET SOUND AIR POLLUTION CONTROL AGENCY</b>			
(See also <b>PUGET SOUND CLEAN AIR AGENCY</b> )			
Dust control	PROP 99-04-104		
	PERM 99-07-061		
Gasoline storage and distribution	PROP 99-10-097		
	PROP 99-13-152		
	PERM 99-15-027		
	PROP 99-15-032		
Meetings	MISC 99-01-003		
Name changed to Puget Sound Clean Air Agency	PROP 99-15-090		
Odor control	PROP 99-04-104		
Outdoor burning			
military training	PROP 99-04-104		
Source review requirements	PROP 99-04-105		
	PERM 99-07-062		
Spray coating operations	PROP 99-10-098		
	PROP 99-13-153		
	PERM 99-15-028		
<b>PUGET SOUND CLEAN AIR AGENCY</b>			
Hazardous air pollutant compounds chemical identification		PROP 99-16-090	
Name changed from Puget Sound Air Pollution Control Agency		PROP 99-15-090	
Registration and operating permits fees and civil penalties		PROP 99-16-091	
<b>RADIATION PROTECTION</b>			
(See <b>HEALTH, DEPARTMENT OF</b> )			
<b>RAIL FIXED GUIDEWAY SYSTEMS</b>			
(See <b>TRANSPORTATION, DEPARTMENT OF</b> )			
<b>RAILROADS</b>			
(See <b>FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD; UTILITIES AND TRANSPORTATION COMMISSION</b> )			
<b>REAL ESTATE APPRAISERS</b>			
(See <b>LICENSING, DEPARTMENT OF</b> )			
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>			
Early retirement window		EXRE 99-08-074	
		PERM 99-12-041	
Law enforcement officers and fire fighters retirement system (LEOFF) disability determination		PREP 99-09-006	
		PROP 99-13-166	
		PERM 99-16-075	
		PREP 99-11-005	
		MISC 99-02-029	
rules update			
Meetings			
Public employees' retirement system (PERS) rules update		PREP 99-07-026	
		PROP 99-11-006	
		PERM 99-14-008	
		PREP 99-12-042	
service credit			
Teachers' retirement system (TRS) plan 1		PREP 99-07-026	
		PROP 99-11-006	
		PREP 99-12-042	
		EXRE 99-08-074	
		PERM 99-12-041	
plan 3			
Untimely or deficient reporting			
<b>REVENUE, DEPARTMENT OF</b>			
Abandoned property		EXRE 99-04-018	
		PERM 99-08-007	
		EXRE 99-10-032	
		PERM 99-14-056	
Business and occupation tax extractors		EMER 99-12-077	
		PREP 99-12-078	
laundries and dry cleaners		EXAD 99-08-032	
		PERM 99-13-052	
sales of meals		EXAD 99-06-027	
		PERM 99-11-107	
successor to person quitting business		PROP 99-04-014	
		PERM 99-08-034	
veterinarians		PROP 99-04-015	
		PERM 99-08-033	
Deductibility			
business and occupation tax, sales tax, public utility tax		EXAD 99-08-022	
		PERM 99-13-053	
Estate taxes			
rule revisions		PREP 99-07-133	
		PROP 99-11-104	
		PERM 99-15-095	
		PERM 99-03-010	
waiver or cancellation of penalty			
Excise taxes			
educational institutions		PERM 99-03-005	
fuel oil, oil products, other extracted products		EXRE 99-04-019	
		PERM 99-08-005	
Indian reservations		PREP 99-09-082	
internal distribution tax		PERM 99-02-055	
interpretive statement		MISC 99-18-057	
landscape and horticultural services		EXAD 99-04-021	
		PERM 99-09-013	
leasehold excise tax		PROP 99-17-088	
pattern makers		EXRE 99-04-019	
payment responsibilities		PROP 99-10-034	
poultry and hatching egg producers		EXRE 99-04-019	



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Aging and adult services administration					PROP 99-13-192
adult family homes					PERM 99-16-024
secure environments	PREP	99-03-105	eligibility		PERM 99-17-025
boarding home licensing	EXAD	99-09-052	emergency assistance		PROP 99-02-014
	PERM	99-15-067			PROP 99-01-113
COPES program					PROP 99-11-073
eligibility	PREP	99-11-083			EMER 99-14-042
day health services	PERM	99-12-072	exceptions and complaints		PERM 99-14-046
dementia care units	PREP	<b>99-18-015</b>	general assistance-unemployable		PREP 99-08-120
families, children, and adults services	PREP	99-15-066	need standards		PREP 99-04-055
	MISC	99-15-076			PROP 99-01-029
in-home care providers			payment of grants		PERM 99-04-056
contract qualifications	PERM	99-03-041	resource		PERM 99-02-039
	PREP	<b>99-18-042</b>			PREP 99-03-040
long-term care services	PREP	99-09-051			PROP 99-06-098
nursing facilities					PROP 99-06-099
direct care rates	PREP	99-12-029	SSI program		PERM 99-09-053
	EMER	99-14-029	standards of assistance		PERM 99-09-054
private duty nursing services	PREP	99-01-165			PROP 99-01-027
program of all-inclusive care (PACE)	PREP	99-11-051			EMER 99-01-028
	PROP	99-14-066			PERM 99-04-103
senior citizens services	PREP	99-15-066	SSI supplemental security income		
Alcohol and substance abuse, division of			payment standard		PROP 99-05-045
chemical dependency services					PROP 99-15-078
county administration	PREP	99-06-082			<b>PERM 99-18-063</b>
	PROP	99-16-098	Food assistance program		
	PREP	99-10-010	eligibility		PROP 99-01-111
treatment service providers, certification					EMER 99-01-112
Child care					PERM 99-05-074
subsidized payment rates	PROP	99-08-121	noncitizens, eligibility		PERM 99-01-058
	PERM	99-14-023	utility allowances		PERM 99-01-069
Child protective services					EMER 99-05-046
investigations, notification and appeal process	PREP	99-01-164			PROP 99-06-088
Child support, division of					PERM 99-09-055
case closure	PREP	99-09-003	General assistance		<b>PREP 99-18-041</b>
	EMER	99-09-004	pregnant woman		PROP 99-04-102
	PROP	99-17-010			PROP 99-10-105
	EMER	99-17-012	Human research subjects		MISC 99-15-021
case transfer	MISC	99-17-062	Juvenile rehabilitation administration		
constituent relations	MISC	99-17-060	parole revocation		PERM 99-03-077
day care licensing	PREP	99-17-056	Management services administration		
default orders	PREP	99-17-055	adjudicative proceedings		EXAD 99-11-086
employer reporting of new hires	MISC	99-11-047			PERM 99-16-023
license suspension	PROP	99-17-052	declaratory orders		PROP 99-03-076
"most wanted" internet site	MISC	99-11-048	language interpretation services and translations		PERM 99-06-044
	PERM	99-01-057	public records disclosure		PREP 99-09-086
	MISC	99-03-039			PREP 99-07-104
noncompliance penalties	MISC	99-01-030	Medical assistance administration		PROP 99-11-085
prehearing procedures	MISC	99-07-038	acute physical medicine and rehabilitation		PERM 99-15-065
records retention	MISC	99-17-061			PROP 99-14-038
social services for family	PREP	99-17-054	adult day health services		PERM 99-17-111
stepparent liability	MISC	99-01-031	AIDS		MISC 99-16-096
tribal TANF programs	MISC	99-11-049	community aids service alternative (CASA)		PREP 99-13-190
Children's administration			alien emergency medical services		PREP 99-10-047
child care facilities			aliens		EXRE 99-15-042
licensing requirements	PREP	99-07-039	children, eligibility		PROP 99-13-126
child care payment rate	PREP	99-05-070			PERM 99-17-023
	PROP	<b>99-18-071</b>	children's health insurance program		<b>PREP 99-18-043</b>
foster care	PREP	99-17-053			<b>PREP 99-18-102</b>
foster homes			clear writing principles		PREP 99-05-044
payment rates	PREP	99-01-114	community options program entry system		
safety requirements	PERM	99-01-059	(COPES)		PROP 99-13-096
Indian child welfare	PREP	99-01-166	community spouse needs and family needs		
injured spouse claims	MISC	99-17-059	allowances		EMER 99-01-168
Developmental disabilities, division of					PROP 99-06-100
family support opportunity					EMER 99-08-016
pilot program	PERM	99-04-071			PERM 99-11-017
service providers, standards	PREP	99-10-063	dental services		<b>EMER 99-18-040</b>
	PROP	99-15-043			PROP 99-01-169
Domestic violence perpetrator program	PREP	99-17-057	eligibility		PERM 99-07-023
Domestic violence victim shelters	PREP	99-17-058			MISC 99-16-095
Economic services administration					PROP 99-02-015
assistance programs, division of			estate recovery		PROP 99-07-137
errors and omissions corrected	PREP	99-07-105			PERM 99-10-064
	PROP	99-12-116	federal poverty level		PROP 99-07-025
	PROP	99-12-117			PERM 99-11-076
	PROP	99-12-118			PREP 99-07-103
	PROP	99-12-119			EMER 99-08-001
	PROP	99-12-120			
	PROP	99-12-121			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PROP 99-15-044	pregnant women	PROP 99-10-105
	EMER 99-15-045		PERM 99-14-045
home health services	PROP 99-11-053	Vocational rehabilitation services	PREP 99-06-081
	PERM 99-16-069		PROP 99-12-030
	MISC 99-17-011		<b>PERM 99-18-053</b>
hospital services	PROP 99-01-170	WorkFirst	
	PROP 99-05-073	child care	PREP 99-17-024
	PERM 99-06-045	participation requirements	PROP 99-01-115
	PERM 99-06-046		PROP 99-05-071
definitions	PERM 99-09-007		PROP 99-05-072
	PREP 99-06-087		PERM 99-07-024
	PROP 99-09-088		PERM 99-08-051
	PERM 99-14-039		PERM 99-10-027
outpatient payment	PREP 99-06-086		PROP 99-14-078
	PROP 99-09-089	pregnant women and parents of infants	PREP 99-14-024
	PERM 99-14-028		EMER 99-14-041
payment method - state only programs	PROP 99-09-090		<b>PROP 99-18-072</b>
	PERM 99-14-025	reemploy Washington workers program	PROP 99-11-072
	PERM 99-14-026		PERM 99-14-044
	PERM 99-14-040		PREP 99-16-097
rates	PREP 99-06-084	support services	PROP 99-10-028
	PREP 99-06-085		PERM 99-14-043
	PROP 99-09-091		
	PROP 99-11-050	<b>SOUTH PUGET SOUND COMMUNITY COLLEGE</b>	
	PROP 99-11-052	General provisions	PREP 99-06-032
	PROP 99-13-050	Meetings	MISC 99-01-073
	PERM 99-14-027		MISC 99-13-088
	PERM 99-16-070		MISC 99-15-088
	PROP 99-17-110		
infusion, parenteral, and enteral therapies	PREP 99-03-104	<b>SOUTHWEST AIR POLLUTION CONTROL AUTHORITY</b>	
interpreter services	MISC 99-15-041	Sources	PERM 99-07-027
interview requirements	PROP 99-08-015		PERM 99-07-028
	PERM 99-11-075		PERM 99-07-029
	MISC 99-18-073		PERM 99-07-030
lab tests, billing			PERM 99-07-032
long-term care			
eligibility	PROP 99-16-067		
managed care	PREP 99-01-167		
maternity-related services		<b>SPOKANE, COMMUNITY COLLEGES OF</b>	
home birth provider	PREP 99-06-043	Appointing authority, delegation	PROP 99-01-132
medical equipment, supplies, prosthetics, and			PROP 99-05-040
orthotics			PERM 99-10-012
medical services request	PROP 99-08-080	Meetings	MISC 99-04-024
medically needy, eligibility	PREP 99-08-041		
	EMER 99-01-162		
	PREP 99-01-163	<b>SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY</b>	
	PROP 99-08-118	Burning restrictions	PROP 99-01-063
	EMER 99-08-119		PERM 99-03-046
	PERM 99-11-054	Fees	PROP 99-15-064
	EXRE 99-15-042	Oxygenated gasoline	PROP 99-11-046
	PREP 99-08-040		PERM 99-14-070
noncovered service for clients	PREP 99-03-075	Roads, particulate matter control	PERM 99-03-030
occupational therapy	PROP 99-11-071		
	PERM 99-16-068		
	PREP 99-12-071	<b>SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE</b>	
outpatient services		Meetings	MISC 99-03-020
oxygen and respiratory	PROP 99-08-122		
equipment and services	PERM 99-13-049		
	PREP 99-06-083	<b>SPORTS, PROFESSIONAL</b>	
payment method	PROP 99-09-087	(See LICENSING, DEPARTMENT OF)	
	PROP 99-11-060		
	PROP 99-13-125	<b>SUPREME COURT, STATE</b>	
physical therapy	PREP 99-11-084	Administrative rules	MISC 99-11-019
physician's related services fees	MISC 99-15-075	Admission to practice	MISC 99-13-089
prescription drug program billing instruction	MISC 99-04-025	Appellate procedure	MISC 99-13-021
private duty nursing services	MISC 99-16-092	Attorney fees and expenses	MISC 99-01-015
speech/audiology services	PROP 99-11-074	Capital cases	
	MISC 99-15-073	filing of briefs	MISC 99-05-029
	PERM 99-16-071	stay of execution	MISC 99-07-010
		Courts of limited jurisdiction procedures	MISC 99-13-024
SSI eligible clients			MISC 99-13-025
premium payments	MISC 99-16-094	Deferred prosecution	MISC 99-14-071
transportation services	PREP 99-13-191	Dispute resolution with clients	MISC 99-13-091
wheelchairs and durable medical equipment	MISC 99-16-093	House counsel	MISC 99-05-028
Mental health division		Immunity	MISC 99-13-090
criminally insane	PREP 99-14-065	Judicial information system committee	
Occupational therapists		membership	MISC 99-01-016
bill instruction	MISC 99-15-074	Juvenile court procedures	MISC 99-13-023
Rules agenda	MISC 99-04-026	Lawyers' fund for client protection	MISC 99-11-020
	MISC 99-15-077	Motions, determination	MISC 99-01-015
Rules coordinator	MISC 99-18-052	Suspension from practice	MISC 99-13-022
Temporary assistance for needy families (TANF)			
community jobs wage subsidy program	EMER 99-02-038	<b>TACOMA COMMUNITY COLLEGE</b>	
five year limit	PROP 99-04-102	Athletic participation, loss of eligibility	PREP 99-16-109
	PERM 99-08-050	Grievance procedure	PREP 99-16-108



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

prepaid calling card services, standards rules review	PERM 99-10-013 PREP 99-09-027 PROP 99-13-095 PERM 99-01-076	Skateboards and in-line skates	PROP 99-03-011 EMER 99-03-012
subscriber rates, calling areas Water companies investor owned companies	PROP 99-07-053 PROP 99-12-112	<b>WHATCOM COMMUNITY COLLEGE</b> Meetings	MISC 99-01-127 MISC 99-13-154
<b>VETERANS AFFAIRS, DEPARTMENT OF</b> Rules coordinator	MISC 99-01-130	<b>WILDLIFE</b> (See <b>FISH AND WILDLIFE, DEPARTMENT OF</b> )	
<b>VETERINARY BOARD OF GOVERNORS</b> (See <b>HEALTH, DEPARTMENT OF</b> )		<b>WORKER HOUSING, TEMPORARY</b> (See <b>HEALTH, DEPARTMENT OF; LABOR AND INDUSTRIES, DEPARTMENT OF</b> )	
<b>VOLUNTEER FIRE FIGHTERS, BOARD FOR</b> Pensions actuarial tables	PREP 99-13-170 PROP 99-18-021	<b>WORKERS' COMPENSATION</b> (See <b>LABOR AND INDUSTRIES, DEPARTMENT OF</b> )	
<b>WALLA WALLA COMMUNITY COLLEGE</b> Meetings	MISC 99-01-034 MISC 99-01-062 MISC 99-03-070 MISC 99-06-016 MISC 99-09-046 MISC 99-14-030	<b>WORKFIRST</b> (See <b>SOCIAL AND HEALTH SERVICES, DEPARTMENT OF</b> )	
<b>WASHINGTON STATE LIBRARY</b> Library commission meetings	MISC 99-01-078 MISC 99-04-100 MISC 99-07-022 MISC 99-11-010 MISC 99-13-161 MISC 99-14-033 MISC 99-16-011 MISC 99-18-022 MISC 99-18-056	<b>WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD</b> Meetings	MISC 99-04-101 MISC 99-06-095 MISC 99-09-033 MISC 99-09-042 MISC 99-11-080 MISC 99-16-002 MISC 99-17-035 MISC 99-18-013 MISC 99-18-074
Library council of Washington meetings	MISC 99-15-039 MISC 99-15-087 MISC 99-05-019 MISC 99-11-011	<b>YAKIMA REGIONAL CLEAN AIR AUTHORITY</b> Compliance and enforcement Permits  Public hearings	PROP 99-01-033 PROP 99-01-033 PROP 99-06-017 PROP 99-03-049 PROP 99-06-017
<b>WASHINGTON STATE PATROL</b> Background checks	PROP 99-03-080 PROP 99-03-081 PERM 99-07-050 PERM 99-07-051	<b>YAKIMA VALLEY COMMUNITY COLLEGE</b> Meetings Public records Student rights and responsibilities	MISC 99-07-048 PREP 99-05-041 PROP 99-08-019 PERM 99-13-140
Buses warning device exemption	PREP 99-09-021 PROP 99-13-133 PERM 99-18-028		
Fire protection policy board meetings	MISC 99-05-066		
Motor vehicles flashing lamps headlamps blue tint	PERM 99-02-045  PREP 99-09-049 PROP 99-13-135 PERM 99-18-027		
ignition interlock breath alcohol devices impounds	PERM 99-01-156 PREP 99-09-048 PROP 99-13-134 PERM 99-18-026		
seized vehicles, disposition tire chain use	PREP 99-17-087 EXAD 99-01-084 PERM 99-06-023		
<b>WASHINGTON STATE UNIVERSITY</b> Meetings	MISC 99-09-005		
<b>WESTERN WASHINGTON UNIVERSITY</b> Bicycle traffic and parking	PROP 99-03-011 EMER 99-03-012 PERM 99-07-089 PREP 99-08-044 MISC 99-02-067 MISC 99-08-043		
Organization Rules coordinator address			